PUBLIC SAFETY COMMITTEE

PUBLIC SERVICES COMMITTEE

SUPPLEMENTAL ADOPTING ORDINANCE ORDINANCE NO.

An Ordinance Supplementing and Amending the 2021 Memphis
Municipal Code of Ordinances of the City of Memphis,
Tennessee relative to Animals and Horse Drawn Carriages;
Providing for the Repeal of Certain Ordinances Not
Included herein; and Providing when such Amendments to the
Code and this Ordinance Shall Become Effective

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, on February 15, 2022 the Council adopted a new Code of Ordinances, consisting of Titles 1 through 15, each inclusive, and the errata thereto, as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney the City Attorney and the Council's Attorney have only presented for codification two (2) Titles, namely "Title 1-General Provisions" and "Title 4-Pension and Retirement System.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, the City Attorney and the Council's Attorney have been authorized and directed to periodically provide for adoption by the Council of supplementary codification ordinances to supplement the codification approved in Ordinance No. 5669.

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Titles 6-Business Licenses and Regulations and Title 8-Animals.

Be It Ordained by the Council of the City of Memphis That

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of Titles 6 and 8, each inclusive, and the errata thereto, is hereby adopted and enacted. Titles 6 and 8 as proposed for adoption are attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Supplemental Ordinance the titles and chapters of the 2021 Code so approved hereby shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified titles and chapters or to the extent such ordinances are inconsistent with the provisions of the titles and chapters so codified.

Section 3. All provisions of the Titles and Chapters of this Supplement to the 2021 Code adopted and codified

by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. the codification of any ordinances pursuant to the Adopting Ordinance and this Supplemental Adopting Ordinance are required by the City's Charter to be recorded in a well-bound book kept by the City Comptroller.

Section 6. Any such codified ordinances as maintained by the City Comptroller may be relied on by the City or any person and may be read in evidence in any court of this State, unless there is a bona fide dispute as to the meaning of any such ordinance being consistent with the Council's intent. In any such case, the City Attorney shall present such ordinance(s) to the Council for a determination of the consistency of the ordinance(s) with the Council's intent as appearing in the record of its proceedings and for any further action that the Council deems appropriate in accordance with its authority under City Charter § 361.

Section 7. Three (3) copies of the 2021 Code, as supplemented hereby, shall be kept on file in the

office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the official publication of the 2021 Code and supplements as approved by the Council. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the unofficial republication of the 2021 Code and supplements as approved by the Council in electronic format.

Section 8. It shall be the express duty of the comptroller or someone authorized by him or her to insert in such copies and in their designated places all ordinances which amendments orthe council specifically codified and approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for inspection in accordance with law by all persons desiring to examine the same.

Section 9. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be published and maintained, in written or electronic form, by authority of the City of Memphis shall be

conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of the Adopting Ordinance and any Supplemental Adopting Ordinances.

Section 10. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 11. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. Severability. The provisions of this Ordinance are hereby declared to be severable. the sections, amendments, provisions, sentences, parts hereof held clauses, phrases, are or void, the unconstitutional remainder of this or Ordinance shall continue in full force and effect.

Section 13. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR: Carlisle

MARTAVIUS JONES CHAIRMAN

Title 6 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 HORSE-DRAWN CARRIAGES

	DEFINITIONS
Sec. 6-1-1.	Definitions.
	POWERS OF DIRECTOR—REGULATIONS
Sec. 6-1-2.	Rules and regulations of the director of police services relative to horse-drawn
Sec. 6-1-3.	City treasurer—Powers; appeal of decisions.
Sec. 6-1-4.	Duty of vehicle for hire inspectors to enforce chapter.
Sec. 6-1-5.	Certificate required; exceptions.
	CERTIFICATION REQUIREMENTS
Sec. 6-1-6.	Application for certificate.
Sec. 6-1-7.	Standards for issuance of certificate.
Sec. 6-1-8.	Certificate issued to owner only.
Sec. 6-1-9.	Fee.
Sec. 6-1-10.	Business license.
Sec. 6-1-11.	Insurance.
Sec. 6-1-12.	Business to be conducted by certificate holder; agreement with drivers.
Sec. 6-1-13.	Increase in number of carriages after issuance; enlargement of authority.
Sec. 6-1-14.	Replacement of vehicles.
Sec. 6-1-15.	Accident reports.
Sec. 6-1-16.	Assignment or transfer of certificates.
Sec. 6-1-17.	Expiration and renewal of the certificate.
Sec. 6-1-18.	Fines, suspension and revocation of certificates.
Sec. 6-1-19.	Horse-drawn carriage stands—Use by other vehicles prohibited.
	DRIVERS AND CONDUCTORS
Sec. 6-1-20.	Vehicle drivers.
Sec. 6-1-21.	Application for a driver's permit.
Sec. 6-1-22.	Application for a carriage driver's training permit.
Sec. 6-1-23.	Applicant to fill out identification questionnaire and be fingerprinted.
Sec. 6-1-24.	Investigation; issuance; not to issue to certain persons.
Sec. 6-1-25.	Notification of arrest or indictment.
Sec. 6-1-26.	Notification of company change of driver.
Sec. 6-1-27.	Permit fee.
Sec. 6-1-28.	Form, size, design and contents.
Sec. 6-1-29.	Possession of permit.
Sec. 6-1-30.	Expiration and renewal.
Sec. 6-1-31.	Fines, suspension and revocation of permit.
Sec. 6-1-32.	Unauthorized use of permit; defacing or removing permit.
Sec. 6-1-33.	Standards of appearance and conduct of drivers.
Sec. 6-1-34.	Total passengers in vehicle; carrying passengers on driver's seat prohibited.
Sec. 6-1-35.	Consent required for horse-drawn carriage driver to pick up additional passer

Sec. 6-1-36. Sec. 6-1-37.	Drivers not to work more than 12 hours out of 24. Solicitation of passengers by drivers; drivers to remain in or near carriage.
Sec. 6-1-38.	Drivers of horse-drawn carriages.
	VEHICLES
Sec. 6-1-39.	Carriage safety equipment.
Sec. 6-1-40.	Television equipment.
Sec. 6-1-41.	Horse-drawn carriage maintenance.
	CARE OF ANIMALS
Sec. 6-1-42.	Proper care of animals used for horse-drawn carriages for hire.
Sec. 6-1-43.	Conditions for horse-drawn carriages for hire.
Sec. 6-1-44.	Harnesses for horse-drawn carriages for hire.
Sec. 6-1-45.	Whip.
Sec. 6-1-46.	Food, water and exercise.
Sec. 6-1-47.	Stalls and stables.
Sec. 6-1-48.	Litter.
Sec. 6-1-49.	Immediate cleanup of waste products.

Title 8—ANIMALS

Sec. 8-5-1.

Definitions.

CHAPTER 8-1.	DEFINITIONS
Sec. 8-1-1.	Definitions.
CHAPTER 8-2.	ANIMALS GENERALLY
Sec. 8-2-1.	General maintenance requirements for animals and fowl.
Sec. 8-2-2.	Running at large of livestock and fowl prohibited.
Sec. 8-2-3.	Impoundment, redemption and disposition.
Sec. 8-2-4.	Destruction of abandoned or neglected animals.
Sec. 8-2-5.	Cruelty to animals.
Sec. 8-2-6.	Trapping animals.
Sec. 8-2-7.	Striking or hitting animal with moving vehicle.
Sec. 8-2-8.	Killing birds—Prohibited generally.
Sec. 8-2-9.	Killing birds-Removal of pigeons and birds from private, residential and commercial property.
Sec. 8-2-10.	Keeping of livestock within 1,000 feet of residence or place of business.
Sec. 8-2-11.	Disposal of animals.
Sec. 8-2-12.	Unlawful to sell fowl as pets or novelties.
Sec. 8-2-13.	Roadside sale of animals prohibited.
CHAPTER 8-3	MEMPHIS ANIMAL SHELTER
Sec. 8-3-1.	Establishment and supervision.
Sec. 8-3-2.	Business hours.
Sec. 8-3-3.	Badges, uniforms and police power of shelter officers.
Sec. 8-3-4.	Resisting or interfering with animal shelter employee.
Sec. 8-3-5.	Animal shelter advisory committee—Creation.
Sec. 8-3-6.	Animal shelter advisory committee—Chairperson and secretary.
Sec. 8-3-7.	Animal shelter advisory committee—Rules and regulations.
Sec. 8-3-8.	Animal shelter advisory committee—Powers and duties.
CHAPTER 8-4.	DOGS AND CATS
Sec. 8-4-1.	Evidence of ownership of animals.
Sec. 8-4-2.	Dog license tags required—Fees—Exceptions—Cat rabies vaccination required.
Sec. 8-4-3.	Examination for rabies.
Sec. 8-4-4.	Kennel license fees.
Sec. 8-4-5.	Duplicate dog licenses or tags.
Sec. 8-4-6.	Dogs running at large.
Sec. 8-4-7.	Impoundment and redemption of dogs.
Sec. 8-4-8.	Adoption of animals.
Sec. 8-4-9.	Defecation by dogs or cats.
Sec. 8-4-10.	Adequate food, water, shelter, care and conditions—Defined—Penalties.
Sec. 8-16-11.	Impoundment and redemption of cats.
CHAPTER 8-5.	DANGEROUS AND VICIOUS ANIMALS

Sec. 8-5-2.	Determination of dangerous/vicious dog or animal.
Sec. 8-5-3.	Dog or animal declared dangerous/vicious.
Sec. 8-5-4.	Duty of owner of dangerous/vicious dog or animal.
Sec. 8-5-5.	Surrender of dog or animal.
Sec. 8-5-6.	Unowned or abandoned dog or animal.
Sec. 8-5-7.	Dogs or animals not declared dangerous/vicious.
Sec. 8-5-8.	Exemptions.
Sec. 8-5-9.	Duties of animal control officer.
Sec. 8-5-10.	Violation—Penalty.
Sec. 8-5-11.	Guard dogs.
CHAPTER 8-6.	ENFORCEMENT
Sec. 8-6-1.	Official to designate special officers.
Sec. 8-6-2.	Issuance of ordinance summons.
Sec. 8-6-3.	Procedures applicable to summonses and animal citations.
Sec. 8-6-4.	Animal violation forfeiture schedule.
Sec. 8-6-5.	Limitation on action for violations—When action deemed commenced—Service of summons.
Sec. 8-6-6.	Dismissal or entering a nolle prosequi of citation/summonses not prohibited.
Sec. 8-6-7.	Aid and assistance.
CHAPTER 8-7.	MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS
Sec. 8-7-1.	Spay and neuter requirement.
Sec. 8-7-2.	Owner.
Sec. 8-7-3.	Exemption for certain animals.
Sec. 8-7-4.	Fertile animal permits.
Sec. 8-7-5.	Enforcement.
Sec. 8-7-6.	Proof of compliance to enforcement agents, including ACOs.
Sec. 8-7-7.	Penalties.
Sec. 8-7-8.	Data.
CHAPTER 8-8.	CRUELTY TO ANIMALS
Sec. 8-8-1.	Cruelty to animals.
Sec. 8-8-2.	Cock and animal fighting.
Sec. 8-8-3.	Penalty.

ECONOMIC DEVELOPMENT COMMITTEE

Bacchus, Brian

From: Monice M. Hagler <monice@haglerlawgroup.com>

Sent: Wednesday, January 4, 2023 4:19 PM

To: Ford Sr., Edmund; cheyenne.johnso@nmemphistn.gov; Easter-Thomas, Michalyn

Cc: Bacchus, Brian; Dearbone, Tara; andrew.murray@cramemphis.org

Subject: FW: Collins Chapel Hospital and CRA - Affordable Housing Initiative

Attachments: Joint Resolution Authorizing Indebtedness - CRA with Exhibt A 220104.docx

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

Attached please find the Joint Resolution Authorizing Indebtedness that the CRA has approved. The County Commission approved the Resolution in Committee today and it is scheduled to be approved by the full County Commission on Monday January 19. We look forward to presenting to the City Council Committee and full Council on Tuesday December 20. After your review, please advise should you need additional information. The CRA appreciates your consideration in sponsoring this item.

Below is the Summary of the action and projects referenced in the Resolution:

The CRA is requesting approval to obtain a line of credit, loan, note, or similar product in order for the agency to address the funding needs due to committed projects. The CRA Board has committed to addressing the affordable housing crisis in North Memphis through the use of Uptown TIF funds for the following:

- 1. **Collins Chapel** Housing and care for the homeless and housing insecure population in coordination with Room In the Inn and the CME Church
- 2. **Edgeview at Legends** Affordable Senior Multifamily Housing in partnership with the Memphis Housing Authority, City of Memphis Division of Housing and Community Development
- 3. **Home Repair Program** The CRA has committed to rehab homes for up to 50 homeowners in the Uptown TIF District annually, working with local, certified minority contractors
- 4. **First Time Home Buyer Program** The CRA, working with Habitat for Humanity and other partners, is a partial funder of new home construction for eligible home buyers in the Uptown TIF District

In summary, below are the key points regarding our request:

• The agency is projecting cash flow needs for the next three fiscal years based on these commitments to provide affordable housing

- However, the agency's revenue stream (solely from tax increment financing form the Uptown TIF) has been secured from the City / County through January 2032 and is steadily growing based on real property tax reassessments
- The agency is projecting a total revenue of \$36 million over the remaining eight years of the Uptown TIF all of which is committed for implementing the community plan to address blight and provide affordable housing
- Consequently, the agency desires to leverage these future Uptown TIF revenues to meet current cash flow needs for committed affordable housing initiatives and projects

Please let me or Andrew know should you have any questions.

Thanks! *Monice*

Monice Moore Hagler



2650 Thousand Oaks Boulevard Suite 2140 Memphis, Tennessee 38118 (901) 290-6620 Office (901) 290-0294 Facsimile monice@haglerlawgroup.com

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WARNING – WIRE FRAUD ADVISORY If you have a Real Estate Closing Transaction with our Office, please be aware that Wire Fraud and Email Hacking/Phishing attacks are on the increase! To help guard against Wire Fraud and other Financial Scams, please verify the authenticity of any Wire Transfer Instructions by calling our Office using a known telephone number or an independently confirmed number.



<u>Uptown / North Memphis Neighborhoods Affordable Housing Initiative 2023</u>

Addressing Homelessness to Home Ownership. Building Generational Wealth.

1. Collins Chapel Connectional Hospital

This project is to remediate blight and providing affordable housing through the rehabilitation of the historic Collins Chapel Connectional Hospital and Clinic as affordable housing for the homeless in the Uptown TIF in the area's Carnes anchor, as identified by the adopted 2018 Uptown Community Plan. The total commitment from the CRA of \$2,174,800 supplements funding already provided by the CME Church, the City, and the County for temporary housing and supportive spaces for homeless families and the medically fragile. The completion date is estimated to be in 2023.

2. Edgeview at Legends

Edgeview at Legends is a commitment to our seniors, particularly those with limited means. The project is a 99-unit senior affordable housing development located on a vacant 3.82-acre site within the Legends Park Community. It is a joint public-private partnership between the Memphis Housing Authority and Pennrose, LLC. The total commitment from the CRA is to provide \$6 million in gap financing. The completion date is expected to be 2024.

3. Home Repair Program for Legacy Homeowners

As outlined within the Uptown Community Plan, the CRA is focused on neighborhood revitalization with the goal of creating generational wealth. Many of the 1300 owner occupied homes in the disinvested areas of the Uptown TIF are in need of repair. Since 2018, the CRA has completed 75 home rehabilitation projects for legacy homeowners, ensuring that they benefit from the improvements occurring in Uptown. The CRA is committing \$3 million annually to the program, or \$24 million over eight years, from 2023 to 2031.

4. Homeownership Program

With Habitat for Humanity, Promise Development, and other partners, the CRA has funded more than 50 homes completed and sold since 2018. Currently, an additional 27 are under construction or in the process of being sold, with \$3 million currently committed. The CRA has a goal of at least 40 affordable new homes annually over the next eight years (2023 to 2031).

A JOINT RESOLUTION OF THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, AND THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AUTHORIZING THE CITY OF MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY TO INCUR INDEBTEDNESS AND ISSUE OBLIGATIONS IN CONNECTION WITH THE IMPLEMENTATION OF THE COMMUNITY REDEVELOPMENT PLAN FOR THE UPTOWN AREA, AS AMENDED.

WHEREAS, pursuant to the Community Redevelopment Act of 1998 (the "Act"), the City of Memphis, Tennessee (the "City") and Shelby County, Tennessee (the "County") established a joint Community Redevelopment Agency (the "CRA") to ameliorate the slum and blight conditions within the City of Memphis and the unincorporated areas of Shelby County; and

WHEREAS, the City Council, the Board of County Commissioners of the County and the Board of Commissioners of the CRA previously approved the establishment of the Uptown Community Redevelopment Area and adopted the Community Redevelopment Plan for the Uptown Area (as subsequently amended, the "Plan") pursuant to the requirements of Section 12 of the Act; and

WHEREAS, Section 20 of the Act authorizes the CRA to incur indebtedness through the issuance of bonds, notes, interim certificates, certificates of indebtedness, debentures, or other obligations (which are collectively referred to herein as "Obligations") to finance or refinance the undertaking of community redevelopment activities under the Act, subject to prior authorization by the City and the County; and

WHEREAS, the CRA desires to incur indebtedness and issue Obligations to fund or finance certain community redevelopment activities (See Exhibit A) related to the implementation of the Plan, including, without limitation, elimination of blight and promotion of affordable housing; and

WHEREAS, pursuant to the provisions of the Act, the City Council and the Board of County Commissioners of the County hereby find and determine that is in the best interests of the citizens of the City and the County to authorize the CRA to incur indebtedness and to issue Obligations to fund or finance community redevelopment activities related to the implementation of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, that the City hereby authorizes the CRA to incur indebtedness and issue one or more Obligations that the Board of the CRA, in its sole discretion, determines are necessary or desirable to fund community redevelopment activities related to the implementation of the Plan; provided, however, that any such Obligations must comply with the following parameters:

- (a) all Obligations, in the aggregate, may not exceed a principal amount of \$12,000,000;
- (b) no Obligation shall have an interest rate in excess of the maximum interest rate permitted by Tennessee law;

- (c) the Obligations shall be payable from tax increment financing revenues generated pursuant to the Plan and any other funds pledged thereto by the CRA; and
 - (d) no Obligations shall have a final maturity later than January 1, 2032.

BE IT FURTHER RESOLVED, that the final terms of any Obligations, subject to compliance with the above-parameters, shall be approved by the Board of Commissioners of the CRA.

BE IT FURTHER RESOLVED, That notwithstanding the foregoing, the CRA shall not be authorized to issue any Obligations unless it provides written notice of the proposed Obligations by registered mail to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area described in the Plan at least fifteen (15) days prior to the issuance of the proposed Obligations.

BE IT FURTHER RESOLVED, the Obligations shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the City or the County; and

BE IT FURTHER RESOLVED, that the appropriate officers of the City and the County are hereby authorized to execute and deliver all documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Exhibit A

Uptown / North Memphis Neighborhoods Affordable Housing Initiative 2023



<u>Uptown / North Memphis Neighborhoods Affordable Housing Initiative 2023</u> *Addressing Homelessness to Home Ownership. Building Generational Wealth.*

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3. Home Repair Program for Legacy Homeowners

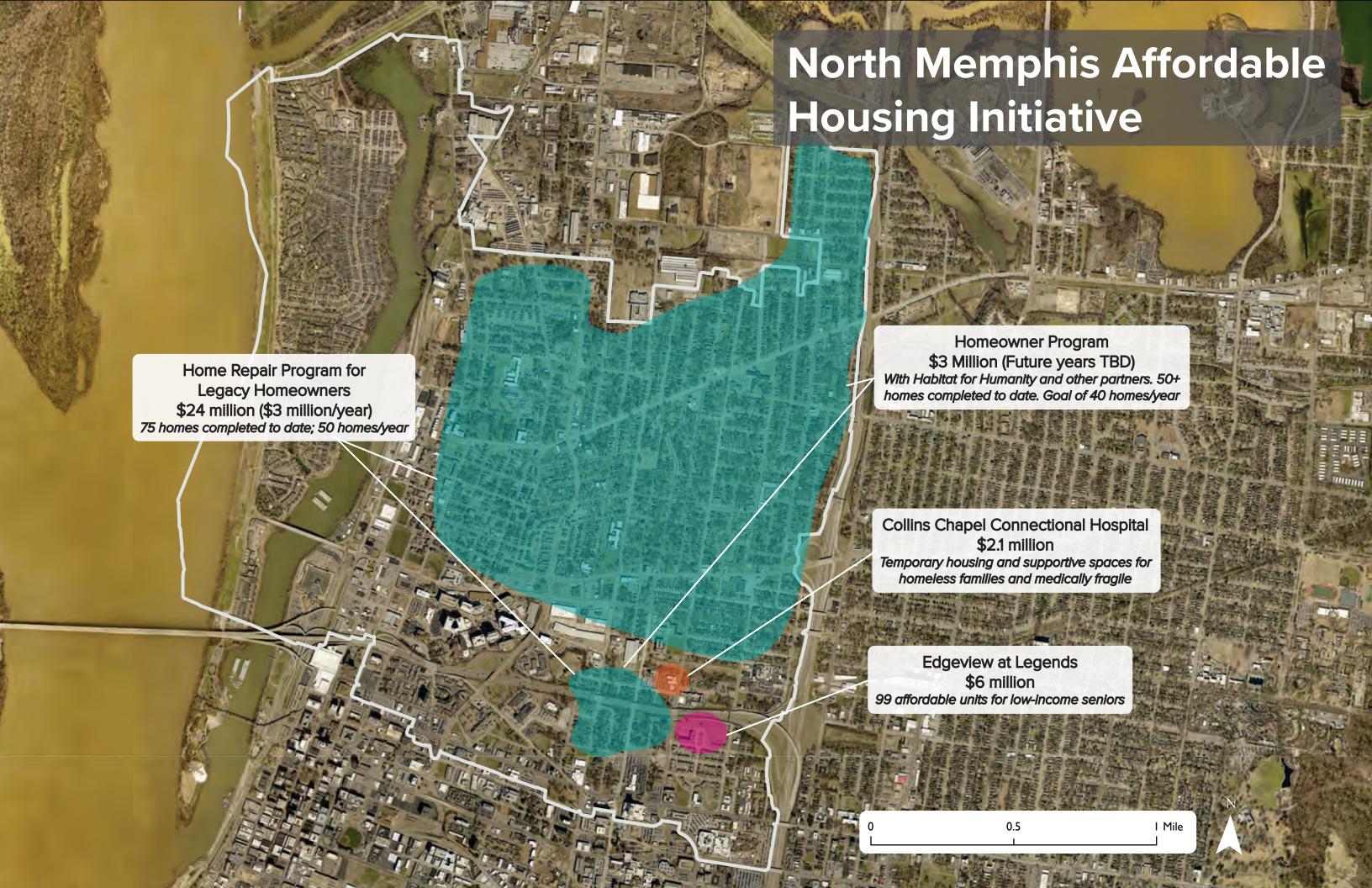
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TENTATIVE SCHEDULE: CRA Indebtedness Approval Process (Revised 12/20/22)

Date-2022	Activity/Documentation			
October 20	CRA Finance Committee Meeting			
Oct / Nov	Meet with Bankers, Legal Counsel, and Financial Advisors to determine strategy			
November 11	Provide CRA Board with Packet			
November 17	CRA Board adopts resolution approving indebtedness			
November 22	Provide Resolution to City Attorney and County Attorney for Comments			
Early December	Discuss with County / City Administrations and City Council and County Commissioners (district			
	representatives, Councilwoman Easter-Thomas, Commissioner Lowery, etc.)			
Early December	Receive Term Sheets from Bank(s)			
December	Materials to City Council Staff			
December	Materials to County Commission Staff			
December 21	Run Required Public Notice in Tri State Defender and Daily News			
January 4	County Commission Committee Meeting			
January 9	County Commission Approval			
January 10	City Council Approval (Same Night Minutes Requested)			
January 11	Sign Terms with Bank after CRA Board approval			



ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$1,000,000, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of Cityowned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$1,000,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification of such land, building, or facility without prior authorization of

the Memphis City Council if the cost associated therewith is in excess of one million (\$1,000,000) dollars.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Chairman: Martavius Jones

MLGW COMMITTEE



MLGW MEMPHIS LIGHT, GAS AND WATER DIVISION

January 4, 2023

Thanks for your patience during the recent storm event affecting our electric and water services. MLGW staff worked tirelessly to manage the reduction in electric load initiated by the Tennessee Valley Authority, and to restore services to customers who experienced low and no water pressure over the Christmas holiday.

WHERE DO WE GO FROM HERE:

Electric - We have been in communication with senior staff at TVA and will continue to debrief both with TVA and internally. This is the first time in more than 85 years that a Step 50 curtailment has been implemented by TVA. We will learn from the experience and focus on updating our processes based on the lessons learned.

Water – Although the events of last week may seem like more of the same, recent improvements to MLGW's wells and other infrastructure completed as part of the MLGW Way Forward 5-Year Plan did assist in getting the water system back to normal pressure more quickly than in early 2021. Additional repairs and upgrades are scheduled to be completed as part of that Plan. Please see the additional information provided regarding the progress of the MLGW Way Forward Infrastructure Improvement Plan relating to all three services.

The experiences of the past few days have shown a need to focus on large fire protection systems in customer buildings and on customers' water property pipes as well as MLGW infrastructure in improving the ability of our water system to withstand extremely cold weather. [A group of local officials is coming together to brainstorm solutions to this issue.]

Customer Call Center – We are in the process of implementing a multi-pronged approach to improve customer wait times in our call center – including adding additional and contracted personnel. Increased call volume during storms adds to an area already experiencing challenges for us.

Periodic Updates – One of President McGowen's top priorities is to accelerate timelines for completion and do everything possible to speed up improvements to reliability of the utilities we all count on. MLGW will keep you updated periodically as additional plans and further improvements are made. Please feel free to share this information broadly and with your constituents.

MLGW: The Way Forward Infrastructure Investments Summary

Effective beginning in 2020, the Memphis City Council approved rate increases for water, gas and electric utilities to generate money for improving reliability and resilience of our utility systems. A utility consulting firm surveyed MLGW's infrastructure and prioritized investments that would be the most impactful to improving reliability. The results from that survey were the basis of the MLGW "Way Forward" capital plan.

In short, this plan allocates a total of \$1.2 billion dollars in capital investment to improve the water, gas and electric systems, on top of the regularly scheduled, annually budgeted amounts for routine maintenance. As federal infrastructure monies are made available, MLGW will seek those funds to complement what has already been approved. For example, MLGW has already received approximately \$33M of additional federal funding for the water system and has applied for a \$59M grant for additional improvements to the gas system.

The \$1.2 billion of capital investments are generally divided as follows: \$800M to the electrical system, \$286M to the water system, and \$128M to the gas system. These investments are then generally divided into three categories:

- First, the plants that MLGW operates to receive or generate the resource. These include things like water wells and pumping stations, electric transmission lines (to receive and distribute power from TVA) and Substations, and the MLGW Liquefied Natural Gas Plant and gas transmission system.
- Second, the distribution systems that send the resource to homes and businesses. These include things like power lines (above and below ground), distribution automation, transformers, circuit breakers; water mains, water tanks and booster pumps; and gas mains and regulator stations.
- Third, to improving the general operation of each system. These include improvements to things like the water laboratory, systems communications and monitoring, and security improvements.

All these investments are aimed at preventing interruptions to service by replacing aging and failureprone infrastructure, protecting against the impacts of weather or other hazards, and to improve monitoring of the system and speed recovery of service when an interruption does occur.

This plan was approved in late 2019, work began in 2020 and was forecast to take 5 years to complete. While some parts of the plan are on track or ahead of schedule, because of the impacts of the COVID-19 pandemic on the supply chain and workforce availability, the plan is now forecast to be completed by 2027. An example of how supply chain/parts availability has impacted the plan: prior to the pandemic, electric transformers and switchgear were available within 30-45 days from placing an order. During the pandemic, and through today, the wait for a transformers or switchgear from time of order to receipt is more than 1-year. Workforce had similar impacts: because of lack of availability of qualified personnel, tree trimming contractors were only able to complete 25% of the forecast tree trimming in 2022.

BUDGET COMMITTEE



Peach Tree Senior Development Project Overview December 2022

Project Name/Project

Type:

Peach Tree Senior Development
Affordable Multifamily Senior Housing

Project Address: 3180 Steele Street

Memphis, Tennessee 38127

Project Description:

In the summer of 2015, Neighborhood Preservation, Inc. and The Works, Inc., in partnership with ComCap Partners, formulated an anchor-based strategy in the Frayser community in Memphis, TN. The *Frayser Neighborhood Initiative* targets blighted and dilapidated properties within a one-mile radius of the neighborhood schools, MLK College Prep and Frayser-Corning Elementary. The primary objective of this effort was to improve the built environment around schools to help provide a more stable living environment for students and their families.

Peach Tree Senior Development is a proposed 79-unit senior housing development in the Frayser community. The development would help fill a significant need in the community and also complement the family-oriented Renaissance at Steele development, completed 2021, directly across Steele Street. Peach Tree will be co-developed by The Works, Inc. and ComCap Partners, which has a long history of affordable housing development and consulting.

The development will be new construction, situated on an approximate 2.4 area site. The development will be three stories and consists of 76 one-bedroom units and 3 two-bedroom units. Amenities will include a community gathering space, on-site management, fitness facility, laundry rooms on each floor, outdoor gathering spaces and energy efficient appliances. Utilities will be provided to each tenant. The Works will also offer a wide range of services to the senior residents to include health screenings, computer lab and training and group fitness activities.

It is anticipated that the project will be completed and ready for occupancy by the end of 2024.

Sources and Uses:

The anticipated funding sources are as follows: a low-interest bank loan, using the Community Investment Tax Credit program administered by the THDA, equity from the syndication of (9%) Low-Income Housing Tax Credits and Project Based Vouchers (PBV) from the Memphis Housing Authority. Currently, the project has a funding gap of ~\$4.8 million. The Works, Inc. is requesting support from the City to help with the funding gap. The Works will also seek additional funding from our philanthropic partners. Please see the attached debt and equity commitment letters for more detail.



Peach Tree Senior Development Project Overview December 2022

Estimated Sources

LIHTC Equity (9%) \$11.2 million (committed)
Permanent Financing 2.3 million (committed)

Other Sources ~4.8 million

Estimated Uses

Acquisition \$1.1M
Site Work 790,000
Hard Construction Costs 11.6 million
Soft Costs 2.9 million
Transaction Costs 694,000
Contingency and Reserves 1.2 million

Total Project Costs \$18.3 million

Unit Mix

Unit Type		Number	Unit	Tota Unit
		of Units	Square	Square
			Footage	Footage
			(SF)	(SF)
1 BD	1 BA	76	563	42,788
2 BD	1 BA	3	837	2,511
Totals		79		45,299

Utilities available to PBV contract units:

Specification of utility services (owner): Owner to provide utilities for each tenant. Specification of utility services (tenant): Utility costs are included in tenant rent.

Estimated initial rents:

HOUSING UNIT TYPE	АМІ	Unit Count	Monthly Rent (includes utilities)
1 Bedroom, 1 Bath	50%	16	645
2 Bedroom, 1 Bath	50%	1	700
1 Bedroom, 1 Bath	60%	60	700
2 Bedroom, 1 Bath	60%	2	750

MEMPHIS HOUSING AUTHORITY



700 Adams Avenue Memphis, Tennessee 38105 (901) 544-1102

DEXTER D. WASHINGTON CHIEF EXECUTIVE OFFICER

MHA BOARD OF COMMISSIONERS

Justin Bailey Michael A. Boyd Dorothy L. Cleaves Kathy Moore Cowan Shawna Engel Mary W. Sharp Sheila Terrell

www.MemphisHA.org











September 7, 2022

Roshun Austin ComCap Partners 1708 Monroe Ave Memphis, TN 38104

Reference: Solicitation no. PB 22-R-00647; Request for Project Based Voucher Program

Dear Ms. Austin:

Please be advised that the Memphis Housing Authority has approved the use of 79-project based vouchers for Peach Tree Senior, your anticipated new construction units on 3816 Steele Street. Before an Agreement for Housing Assistant Payment (AHAP) can be signed the Memphis Housing Authority must complete a subsidy layer review as required by HUD. Once this review is completed the AHAP agreement will be signed. I will reach out to your firm via email to begin the review process.

We appreciate your interest in this solicitation. If there are additional questions or concerns, please contact me for more details.

Sincerely,

David Walker

Contracting Officer



Tennessee Housing Development Agency

502 Deaderick Street, 3rd Floor Nashville, Tennessee 37243 (615) 815-2200

Bill Lee Governor

Ralph M. Perrey
Executive Director

2022 LOW-INCOME HOUSING CREDIT RESERVATION NOTICE

THDA BIN Number: TN22-010

The Tennessee Housing Development Agency ("THDA") hereby reserves competitive 2022 Low-Income Housing Credit ("LIHC") in the amount of \$1,300,000.00 to The Works, Inc. ("Owner") for Peach Tree Senior Development ("Development") located in Shelby County. This Reservation Notice is subject to Owner's full and timely compliance with the terms, conditions, and requirements contained herein.

Owner shall furnish all information required by this Reservation Notice by the dates specified herein. THDA will not send reminders. This reservation of LIHC reflected in this Reservation Notice is from Regional Pool 1 of the New Construction Pool as described in the THDA LIHC 2022 Qualified Allocation Plan ("2022 QAP").

- 1. Owner must submit the following items no later than: Monday, October 3, 2022
 - This Reservation Notice, fully executed by Owner; and
 - Pursuant to Section 5-C of the 2022 QAP, a non-refundable Reservation Fee in the amount of \$81,250.00 in the form of a wire transfer
- 2. Owner must submit the following items no later than: **Tuesday, October 18, 2022**
 - Statement of Application and Certification
 - Carryover Application in the Tennessee Housing Online Management Application System ("THOMAS")
 data must be entered during the period from October 04, 2022 12:00 AM Central Time to October 18, 2022 through 11:59 PM Central Time.
 - Firm commitment letter(s) for construction financing, executed by all parties and otherwise in a form and with substance acceptable to THDA in its sole discretion.
 - Detailed Information about the syndication transaction including, without limitation a firm commitment

TN22-010 LIHC RESERVATION NOTICE Page 2 OF 3

- letter from the purchaser of the housing credits executed as specified in the Carryover Allocation Agreement
- Most recent utility allowance documents from USDA/RD, HUD, local PHA, or utility company indicating
 the basis for calculations of utility costs for the size and type of units proposed as indicated in the Initial
 Application.
- 30 Year Operating Proforma for Income and Expenses
- IRS documentation reflecting Employer Identification Number for Owner. This is the identification number THDA will use on the Carryover Allocation Agreement.
- 3. Following full satisfaction of the requirements of this Reservation Notice and any other requirements THDA, in its sole discretion, deems necessary, a Carryover Allocation Agreement may be issued for Development. Additional Carryover Allocation Agreement requirements may apply as specified in Section 16 of the 2022 QAP. Failure to fully satisfy the requirements of this Reservation Notice may result in cancellation of this Reservation Notice pursuant to Section 15-I of the 2021 QAP.
- 4. By accepting this Reservation Notice, Owner understands and accepts the risk that the U.S. Department of Treasury or the Internal Revenue Service may change LIHC requirements at any time and any such changes may negatively affect the Development and/or the LIHC reserved hereunder. Owner further acknowledges that a tax advisor of Owner's choosing has been consulted as to any consequences related to the LIHC, any changes thereto, or cost breakdowns per building.
- 5. Owner acknowledges and agrees that THDA shall have no liability for any adverse consequences to Owner if Owner chooses to proceed with Development based on this Reservation Notice. THDA shall evaluate Development prior to issuing IRS Form(s) 8609 and such evaluation may result in the denial of LIHC or a reduction in the amount of LIHC allocated to Development. Developments utilizing Rural Development, HUD, or other financing or credit enhancements are subject to review and recommendations by such provider and the LIHC reservation hereunder is subject to satisfying all recommendations or issues identified by such provider.

TENNESSEE HOUSING DEVELOPMENT AGENCY SIGNATURE PAGE

Executed this 27th day of September, 2022.

BY:

felita Hamilton

Program Allocation Manager

TN22-010 LIHC RESERVATION NOTICE Page 3 OF 3

APPLICANT SIGNATURE PAGE

BY:		
Roshur	Austin, Director	
Executed this	day of	2022



May 25, 2022

Roshun Austin President/CEO The Works, Inc. 1471 Genesis Circle Memphis, TN 38106

Re: Peach Tree Senior Development

Dear Roshun:

Pinnacle Bank is pleased to provide this proposal for a CITC construction/permanent loan up to \$2,700,000 to finance the development of Peach Tree Senior Development in Memphis, TN. The loan is for construction of a 79-unit senior apartment property and will be 100% LIHTC affordable housing utilizing a 40 at 60% set aside.

The loan will be secured by a first mortgage, assignment of rents, leases, and contracts. The project will require funding from multiple sources, including equity provided by the tax credit investor. All sources of funding must be committed, available and structured acceptable to Pinnacle prior to funding. Guaranty to be structured acceptable to Pinnacle.

The proposal is subject to change based on Lender's further analysis, current interest rates, and underwriting of the appraisal and market conditions. All conditions are subject to review and final approval of Pinnacle.

Sincerely,

Stacey Fantom

Senior Vice President



May 25, 2022

Roshun Austin President/CEO The Works, Inc. 1471 Genesis Circle Memphis, TN 38106

Re: Peach Tree Senior Development

Dear Roshun:

Pinnacle Bank is pleased to provide this proposal to purchase the federal low-income housing tax credits which will be allocated to the above referenced property should the project be successful in receiving a reservation of 9% tax credits from Tennessee Housing Development Agency in the amount of \$1,300,000. Based on annual LIHTC allocation of \$1,300,000, capital contributions to the limited partnership would total \$11,200,000 (\$.86 per dollar of tax credit).

The project is a 79-unit senior apartment property and will be 100% LIHTC affordable housing utilizing 40 at 60% set aside. The development will require funding from multiple sources, including a CITC construction/permanent loan from a lender acceptable to Pinnacle. All sources of funding must be committed, available and structured acceptable to Pinnacle prior to funding.

The proposal is subject to change based on Pinnacle's further analysis, market conditions, and underwriting of the development. All conditions are subject to review and final approval of Pinnacle.

Sincerely,

Stacey Fantom

Senior Vice President

P&Z COMITTEE

ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET AND G.E. PATTERSON AVENUE AS REP. BARBARA COOPER STREET

WHEREAS, the process for naming and renaming streets and other thoroughfares within the City of Memphis has been established by Chapters 2 and 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council possesses naming powers when the City acquires any street or other thoroughfare by purchase or dedication, per Section 12-16-2 of the City of Memphis Code of Ordinances; and

WHEREAS, under *Tennessee Code Annotated*, Section 7-86-127, "unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of ... municipalities within their incorporated boundaries;" and

WHEREAS, the Memphis City Council, on September 1, 2020, by Ordinance No. 5759 duly passed, amended the City of Memphis Code of Ordinances thereby vesting street, park, and public place/property name change powers in the Memphis City Council; and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapters 2 and 12 of the City of Memphis Code of Ordinances to honor the life and legacy of Tennessee State Representative Barbara Cooper - a Memphis native, educator, and civil rights activist; Rep. Cooper represented the 86th District for 26 years.

NOW THEREFORE BE IT RESOLVED, that South Second Street between Beale Street and G.E. Patterson Avenue be officially renamed "Rep. Barbara Cooper Street."

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs officially designating this public road, effective with the passage of this ordinance.

Sponsored by: Edmund Ford, Sr.

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL | **Planning & Development** ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE:** December 20, 2022 DATE **PUBLIC SESSION: December 20, 2022 DATE** ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING **ORDINANCE** X RESOLUTION ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for a hotel at 122 S. Main St., known as case number SUP 22-30 **CASE NUMBER:** SUP 22-30 LOCATION: 122 S. Main St. **COUNCIL DISTRICTS:** District 6 and Super District 8 S Main 122, LLC **OWNER/APPLICANT: REPRESENTATIVE:** Will Garavelli **REQUEST:** Special use permit for a hotel AREA: 0.4 acres **RECOMMENDATION:** The Division of Planning and Development recommended: Approval with conditions The Land Use Control Board recommended: Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED December 8, 2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** PRINCIPAL PLANNER **DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER** FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 22-30

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A HOTEL AT 122 S. MAIN ST., KNOWN AS CASE NUMBER SUP 22-30

- This item is a resolution, with conditions, for a special use permit for a hotel; and
- The item will not require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 8, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 22-30

LOCATION: 122 S. Main St.

COUNCIL DISTRICTS: District 6 and Super District 8

OWNER/APPLICANT: S Main 122, LLC

REPRESENTATIVE: Will Garavelli

REQUEST: Special use permit for a hotel

EXISTING ZONING: Central Business District

AREA: 0.4 acres

The following spoke in support of the application: No one

The following spoke in opposition the application: No one

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions, as pasted below.

The motion passed by a vote of 9-0-0 on the consent agenda.

RECOMMENDED CONDITIONS

- 1. A minimum transparency of 20%, as measured from floor to floor, shall be provided on all new upper floors along all facades adjacent to a right-of-way.
- 2. Blank lengths of wall exceeding 30' are prohibited on all new upper floors along all facades adjacent to a right-of-way.
- 3. Each new upper floor shall have a floor-to-floor height of at least 9'.
- 4. All sidewalks adjacent to the site shall be repaired or replaced as needed. Streetscaping and passenger loading facilities may be required, subject to administrative approval.
- 5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
- 6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
- 7. A final plan set shall be submitted for administrative approval prior to permitting.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT FOR A HOTEL AT 122 S. MAIN ST., KNOWN AS CASE NUMBER SUP 22-30

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, S Main 122, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development for a special use permit for a hotel; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and consistency of its design and amenities with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 8, 2022, and said Board has submitted its recommendation concerning the above application to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 Comprehensive Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and that said development is consistent with the public interest;

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for a hotel in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, a Building Permit, and/or other required permits and approvals, provided that no such Certificate of Occupancy be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring the same.

CONDITIONS

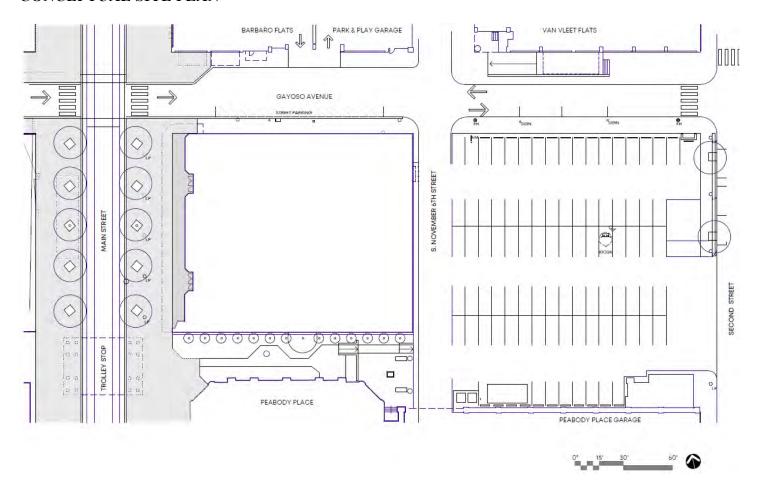
- 1. A minimum transparency of 20%, as measured from floor to floor, shall be provided on all new upper floors along all facades adjacent to a right-of-way.
- 2. Blank lengths of wall exceeding 30' are prohibited on all new upper floors along all facades adjacent to a right-of-way.
- 3. Each new upper floor shall have a floor-to-floor height of at least 9'.
- 4. All sidewalks adjacent to the site shall be repaired or replaced as needed. Streetscaping and passenger loading facilities may be required, subject to administrative approval.
- 5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
- 6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
- 7. A final plan set shall be submitted for administrative approval prior to permitting.

ATTEST:

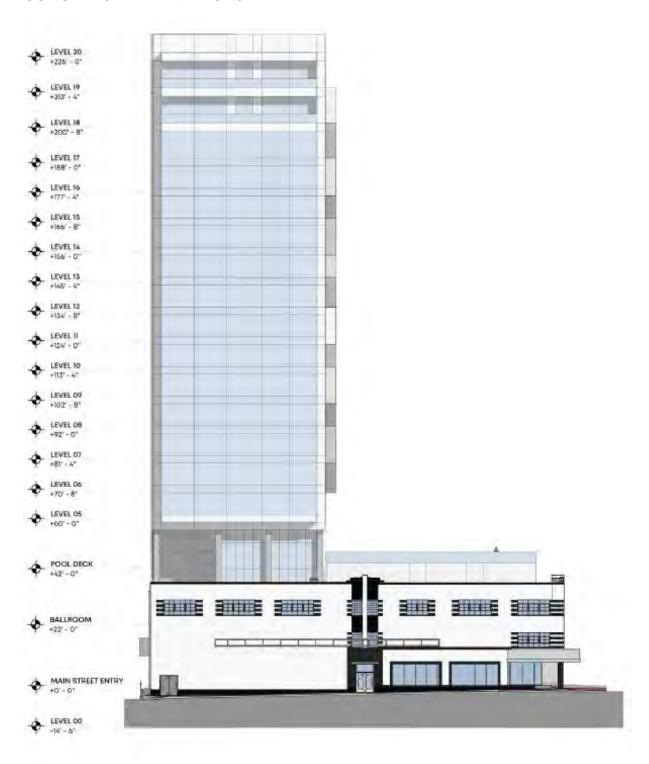
CC: Division of Planning and Development

- Land Use and Development Services
- Construction Enforcement

CONCEPTUAL SITE PLAN



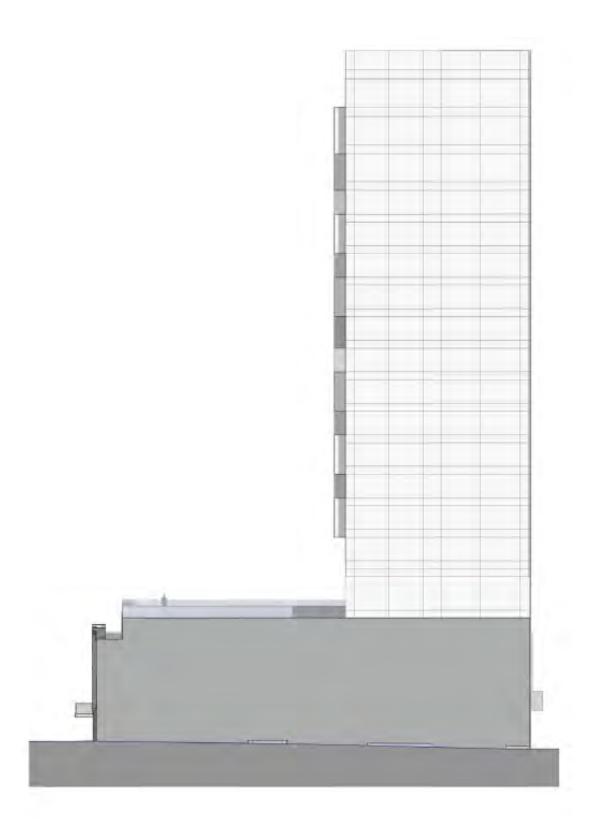
CONCEPTUAL ELEVATIONS



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

dpd STAFF REPORT

AGENDA ITEM: 15

CASE NUMBER: SUP 22-30 L.U.C.B. MEETING: December 8, 2022

LOCATION: 122 S. Main St.

COUNCIL DISTRICT: District 6 and Super District 8

OWNER/APPLICANT: S Main 122, LLC

REPRESENTATIVE: Will Garavelli

REQUEST: Special use permit for a hotel

AREA: 0.4 acres

EXISTING ZONING: Central Business District

CONCLUSIONS

- 1. S Main 122, LLC, has requested a special use permit for a hotel at 122 S. Main St. The development would also include by-right uses such as apartment residential and ground-floor commercial.
- 2. As proposed, the existing Royal Furniture building would be incorporated as the base of a 20-story structure.
- 3. Staff finds that this request is consistent with the character of the neighborhood and would not have a detrimental impact on its vicinity.

CONSISTENCY WITH MEMPHIS 3.0

Per the Dept. of Comprehensive Planning, this request is *consistent* with Memphis 3.0.

RECOMMENDATION

Approval with conditions

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

Staff Report December 8, 2022 SUP 22-30 Page 2

GENERAL INFORMATION

Street Frontage: S. Main. St. pedestrian mall 122'

Gayoso Ave. local street 148.5' S. November 6th St. local street 122'

Zoning Atlas Page: 2025

Parcel ID: 002049 00001

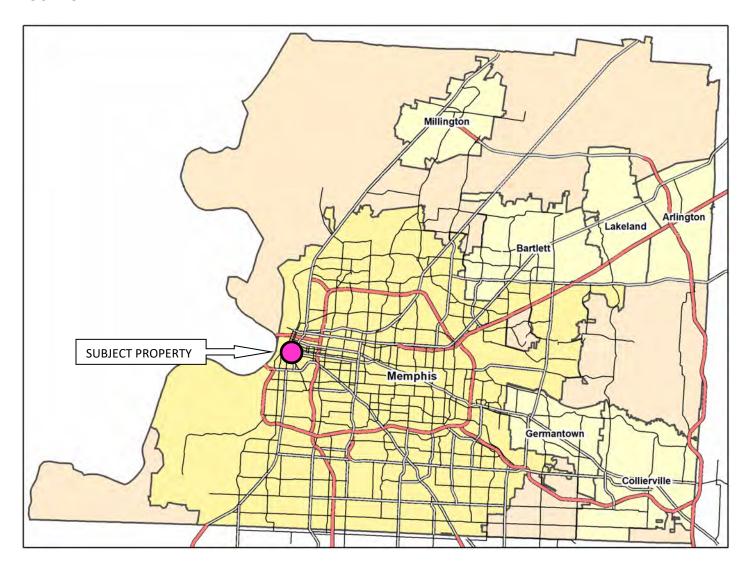
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 3 p.m. on Monday, November 28, 2022, at the LRK office at 50 S. B.B. King Blvd., Ste. 600.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 102 notices were mailed on November 17, 2022, and three notices posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located Downtown

VICINITY MAP



SATELLITE PHOTO WITH ZONING



Existing Zoning: Central Business District

Surrounding Zoning

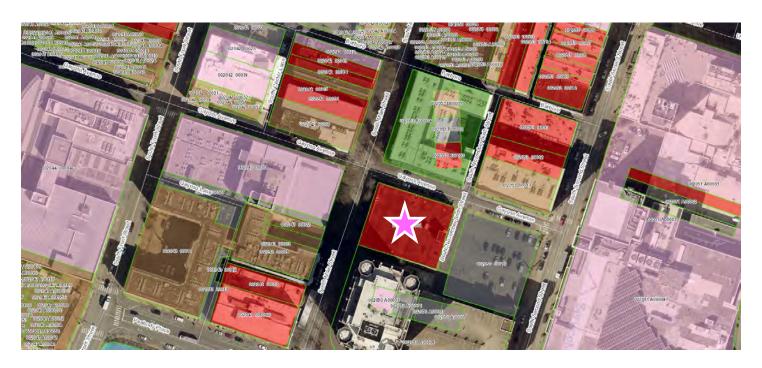
North: Central Business District (Historic)

East: Central Business District

South: Central Business District

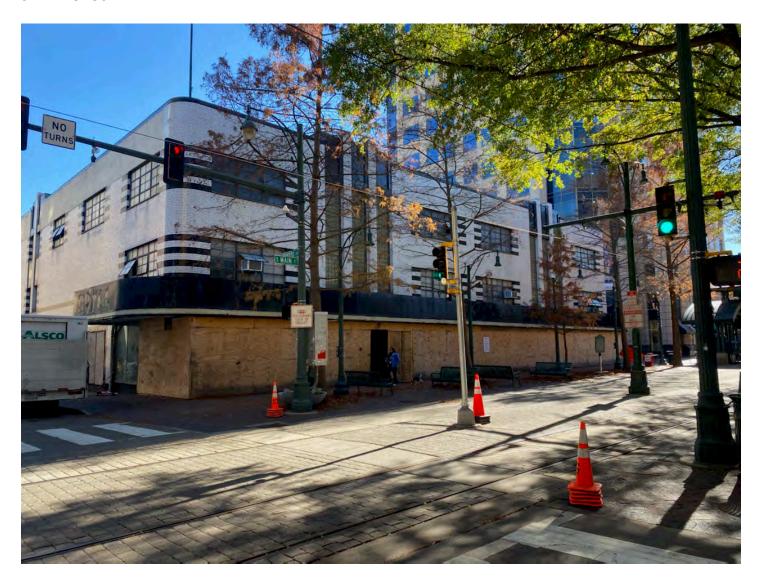
West: Central Business District

LAND USE MAP



- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

SITE PHOTOS



S. Main St. frontage

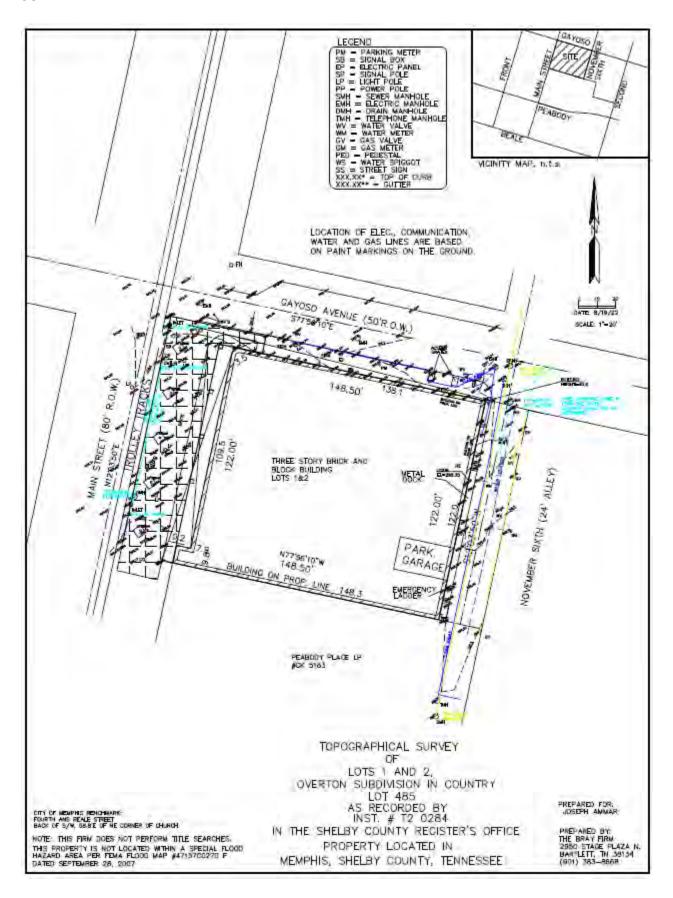


Gayoso Ave. frontage

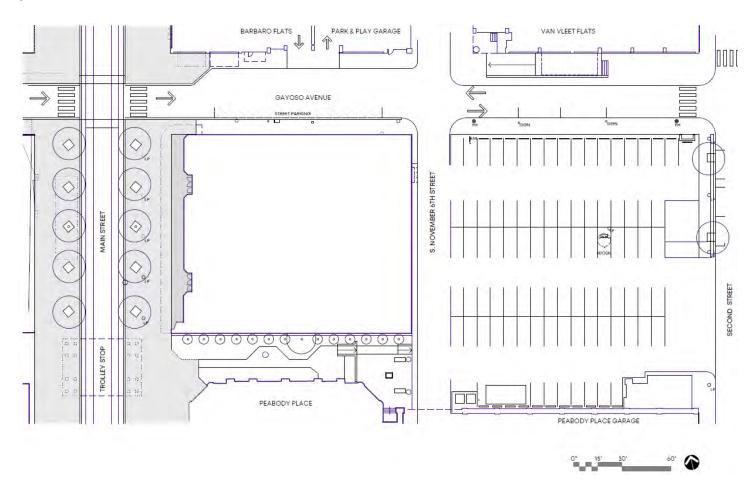


S. November 6th St. frontage

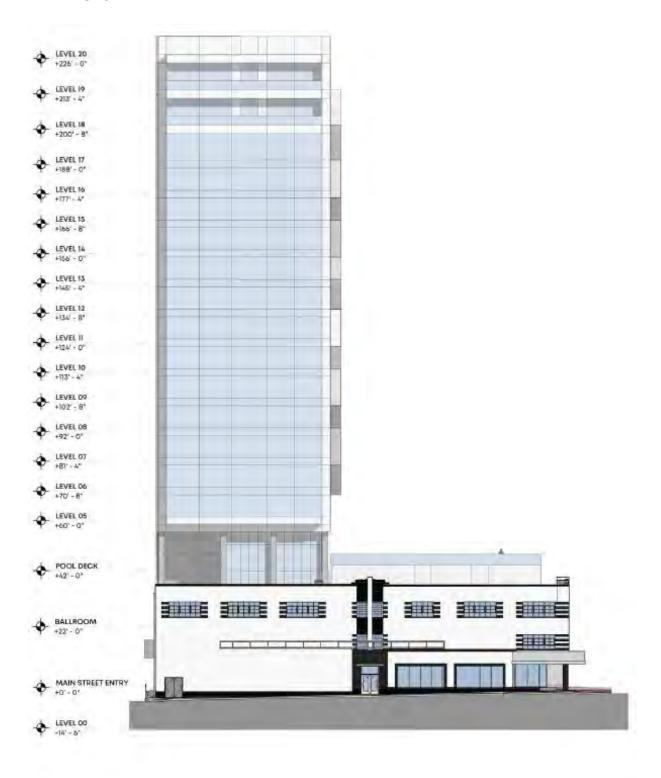
SURVEY



SITE PLAN



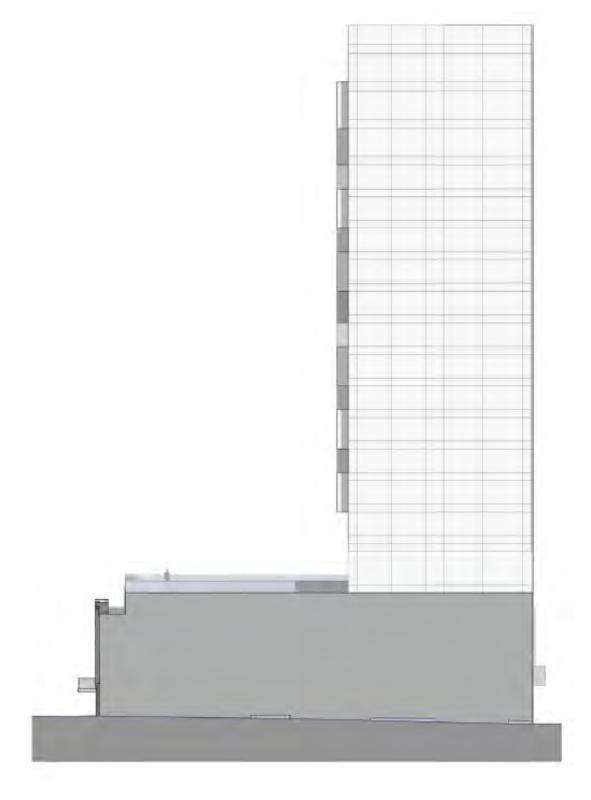
ELEVATIONS



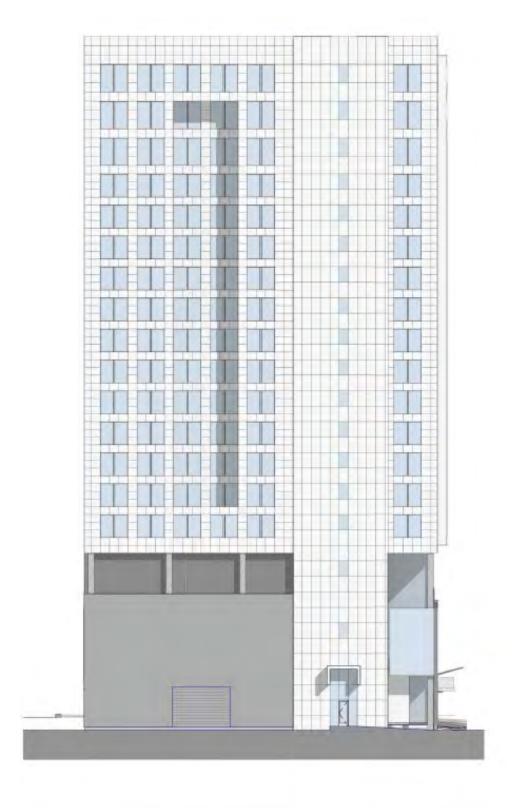
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

STAFF ANALYSIS

Request

The request is for a special use permit for a hotel.

The application and letter of intent have been added to this report.

Approval Criteria

Staff *agrees* the approval criteria for special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Conclusions

S Main 122, LLC, has requested a special use permit for a hotel at 122 S. Main St. The development would also include by-right uses such as apartment residential and ground-floor commercial.

As proposed, the existing Royal Furniture building would be incorporated as the base of a 20-story structure.

Staff finds that this request is consistent with the character of the neighborhood and would not have a detrimental impact on its vicinity.

RECOMMENDATION

Staff recommends *approval* with the following conditions:

- 1. A minimum transparency of 20%, as measured from floor to floor, shall be provided on all new upper floors along all facades adjacent to a right-of-way.
- 2. Blank lengths of wall exceeding 30' are prohibited on all new upper floors along all facades adjacent to a right-of-way.
- 3. Each new upper floor shall have a floor-to-floor height of at least 9'.
- 4. All sidewalks adjacent to the site shall be repaired or replaced as needed. Streetscaping and passenger loading facilities may be required, subject to administrative approval.
- 5. Service areas and mechanical equipment shall be screened from public view, subject to administrative approval.
- 6. The existing structure's northern and western facades shall be substantially incorporated into the architectural design, subject to administrative approval.
- 7. A final plan set shall be submitted for administrative approval prior to permitting.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
- 3. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Staff Report SUP 22-30 December 8, 2022 Page 19

Curb Cuts/Access:

- 9. The City Engineer shall approve the design, number, and location of curb cuts.
- 10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

Fire Department:

Reviewed by: J. Stinson

Address or Site Reference: 122 S Main

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
 protection shall be installed and made serviceable prior to and during the time of construction except
 when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new
 and existing buildings. Buildings and structures that cannot support the required level of coverage shall
 be equipped with systems and components to enhance signals and achieve the required level of
 communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Dept. of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>SUP 22-30</u>: <u>Downtown</u>

Site Address/Location: 122 S Main St.

Overlay District/Historic District/Flood Zone: Located in the Central Business Improvement District, South City

District and Downtown Fire District, not in a Historic District or Flood Zone.

Future Land Use Designation: Urban Core/Downtown (A-DT)

Street Type: N/A

The applicant is requesting approval for a special use permit to allow a mixed-use development consisting of hotel, apartments, guest amenities, restaurants, etc.

The following information about the land use designation can be found on pages 76 - 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Urban Core/Downtown (A-DT) is the walkable anchor for the City of Memphis. It is characterized by multi-story buildings with a vertical mix of uses and civic and institutional buildings that attract people from the entire region. Graphic portrayal of A-DT is to the right.



"A-DT" Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings primarily attached, Block-scale buildings, Mix of uses, High-rise, Multiple blocks of extent

"A-DT" Zoning Notes

Generally compatible with the following zone districts CBD and SE in accordance with Form and characteristics listed above.

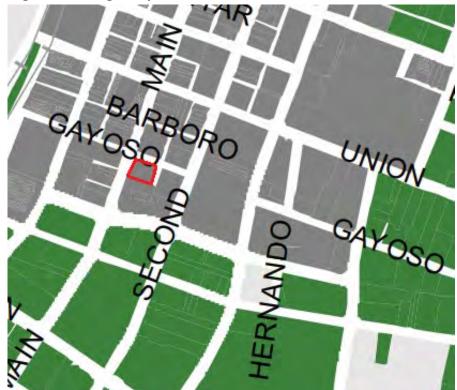
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Commercial, CBD

Adjacent Land Use and Zoning: Parking, Office, Institutional, Recreation/Open Space, Multi-Family, Commercial, CBD, CBD (H), Sprts/Ent*

Overall Compatibility: The requested uses are compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed uses include a vertical mix of uses that attract people from the entire region and are contextually compatible with the surrounding neighborhood.

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed application is a private investment that will increase the mix of uses and speed up development activity in the area.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

The requested use is not consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation.

Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

The parcel is located in the Downtown anchor and the requested use is consistent with the anchor goal to "Incentivize the rehab and adaptive reuse of structures to reference the character of the neighborhood."

Consistency Analysis Summary

The applicant is requesting approval for a special use permit to allow a mixed-use development consisting of hotel, apartments, guest amenities, restaurants, etc.

The requested uses are compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed uses include a vertical mix of uses that attract people from the entire region and are contextually compatible with the surrounding neighborhood.

The proposed application is a private investment that will increase the mix of uses and speed up development activity in the area.

The requested use is not consistent with Objective 1.1 – Focus future growth and density in and around Community and Citywide Anchors, Action 1.1.31 – Increase infill and redevelopment that locate residential, employment, and retail uses near each other to maximize transit and active transportation.

The parcel is located in the Downtown anchor and the requested use is consistent with the anchor goal to "Incentivize the rehab and adaptive reuse of structures to reference the character of the neighborhood."

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

Dept. of Sustainability and Resilience:



Leigh Huffman Municipal Planner Office of Sustainability and Resilience 125 N. Main St., Memphis, TN 38103 Leigh.Huffman@memphistn.gov

MEMORANDUM

To: Brett Davis, Principal Planner

From: Leigh Huffman, Municipal Planner

Date: November 22, 2022

Subject: OSR Comments on SUP 22-30: DOWNTOWN

General Comments & Analysis:

Located in Zone 2 of the Resilience Zone Framework:

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

The lot is impervious due to the existing structure that was built to the lot lines. The Applicant expressed intent to preserve the existing building façade. Therefore, impervious surface will not be increased on the lot.

The building does have an existing below-grade parking garage, but the Applicant has not provided information on plans for renovations or continured use for that part of the building. The application materials do mention that hotel guests will use adjacent, off-site parking.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

The special use permit request to allow a hotel use is generally consistent with the Mid-South Regional Resilience Master Plan. Increasing density and a mixture of uses in parts of the city that are already urbanized helps limit expansion of impervious surface and reduces energy consumption (Section 4.2 Smart Growth).

While the special use request is consistent with the Plan, Staff also acknowledges that the proposed development is located in an area with a high urban heat island effect and known drainage issues. Specifically, Staff is concerned that the drainage issues may impact the existing parking deck during storm events with heavy precipitation.



Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations:

Due to the known drainage issues in the area where the parcel is located, Staff recommends that the developer consider green roofs and designing planting strips in the adjacent surface parking lot to act as stormwater bioretention, both of which provide cooling benefits in addition to stormwater mitigation.

APPLICATION FORM



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Assignment

Opened Date: November 3, 2022

Record Number: SUP 2022-030 Expiration Date:

Record Name: Dream Hotel

Description of Work: The project consists of a multi-use development located at the site of the existing and vacant Royal Furniture store located at 122 S. Main Street in downtown Memphis. The project will incorporate the primary existing building facades of the three story building as practical and add a 16-story tower above the existing building. The project is anticipated to consisting of approximately 181 hotel rooms, two floors of apartments, on-site restaurants, and quest amenities.

Parent Record Number:

Address:

122 S MAIN ST, MEMPHIS 38103

Owner Information

Primary Owner Name

Y S MAIN 122 LLC

Owner Address

390 SOUTH MAIN, MEMPHIS, TN 38103

Parcel Information

002049 00001

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner N/A

Page 1 of 4 SUP 2022-030

December 8, 2022 Page 26

PREAPPLICATION MEETING

Date of Meeting

GENERAL PROJECT INFORMATION

Application Type

List any relevant former Docket / Case Number(s) related to previous applications on this site

Is this application in response to a citation, stop work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

APPROVAL CRITERIA

- A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare
- B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

 UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E

New Special Use Permit (SUP)

-

No

-

The proposed hotel use will have a positive impact on the character of the neighborhood by supporting increased tourism and improving the safety of the area with more activity.

The proposed hotel will complement the surrounding area by providing downtown business patrons and other tourists with a convenient place to stay in the heart of the city. Its location on Main Street will encourage pedestrian activity and patronage of nearby destinations.

As a part of the City Approval process, the applicant will ensure the project is designed to be served adequately by public facilities, emergency services, and utilities. There are existing water, sewer, gas and electric utilities in the public rights-of-way adjacent to the property that the project will request connection to

All necessary environmental permitting will be prior to the development of the subject property and as required by federal, local, and state agencies. All necessary actions will be taken as required during the permitting process.

The applicant will ensure the project complies with all additional standards imposed by any particular provisions authorizing the proposed hotel use.

Page 2 of 4 SUP 2022-030

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APPROVAL CRITERIA

UDC Sub-Section 9.6.9F The proposed use will not adversely affect the

overall character of the area. Dream Hotel plans to develop the site with the spirit of Memphis at the forefront of the design by incorporating existing facades and site features as practical. The

presence of a top tier hotel in the heart of the city will greatly enhance the entire downtown area for

residents, business patrons, surrounding

employees, and tourists alike.

GIS INFORMATION

Case Layer SUP_3186

Central Business Improvement District Yes
Class C
Downtown Fire District Yes

Historic District -

Land Use COMMERCIAL Municipality MEMPHIS

Overlay/Special Purpose District Downtown Fire District

 Zoning
 CBD

 State Route

 Lot
 C 485

 Subdivision
 OVERTON

Planned Development District Wellhead Protection Overlay District -

Contact Information

Name Contact Type
S MAIN 122 LLC APPLICANT

Address

390 SOUTH MAIN, MEMPHIS, TN, 38103

Phone

(901)523-1000

Fee Inform	nation					
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1426595	Special Use Permit Fee -	1	500.00	INVOICED	0.00	11/03/2022
	5 acres or less (Base Fee)					
1426595	Credit Card Use Fee (.026	1	13.00	INVOICED	0.00	11/03/2022
	x fee)					

Total Fee Invoiced: \$513.00 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment \$513.00 Credit Card

Page 3 of 4 SUP 2022-030

LETTER OF INTENT



November 3, 2022

Mr. John Zeanah, AICP, Director
Memphis and Shelby County Division of Planning and Development
City Hall, 125 North Main Street, Suite 477
Memphis, Tennessee 38103

RE: Letter of Intent

Dream Hotel - Special Use Permit

Dear Mr. Zeanah;

On behalf of the applicant, 5 Main 122 LLC, we are submitting the enclosed application for consideration by the Land Use Control Board for a Special Use Permit (SUP) from the Unified Development Code (UDC). The project will consist of a hotel with associated amenities including an apartments and onsite restaurants. The project is located that the following parcel according to the Shelby County Assessor's website: 002049 00004. The street address is 122 S. Main Street in downtown Memphis, TN. The site is at the southeast corner of S. Main Street and Gayoso Avenue and comprises approximately 0.41 acres of land.

The project is located dowtown and zoned Commercial Business District (CBD) according to the City of Memphis' Zoning Atlas. This application is for a Special Use Permit to allow a hotel use on the existing property. Currently the site consists of an abandoned Royal Furniture Store that will be redeveloped with a multi-use development. The hotel will consist of approximately 181 hotel rooms, two floors of apartments, with an onsite restaurants, a café, lobby bar, ballroom/banquet spaces, and guest amenities including pool deck. The proposed structure will be a sixteen story tower with hotel and apartments over the existing three story building.

This parcel currently comprises underutilized property and will be developed with a top tier hotel that is an international and fast growing hotel chain. In keeping with Memphis 3.0, this development provides an active node where visitors can gather and stay in the Urban Core of Memphis.

Driveway placement and pedestrian crosswalks, lighting, and facilities will be evaluated during design to ensure a safe and pedestrian friendly environment. Parking to be dedicated to hotel use in offsite proximate public parking lots.

For the project to move forward, a Special Use Permit request is being made for the Land Use Control

Board to consider. Our team appreciates your consideration of this case.

The consultants involved in the proposed development are as follows:

LRK – Architecture Kimley-Horn and Associates, Inc – Civil Engineering

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County	
State of Tennessee	
on the 28 day of No.2022-030 at 122	2_, I posted Public Notice Sign(s)
providing notice of a Public Hearing before the (
Land Use Control Board	
Board of Adjustment	
Memphis City Council	
Shelby County Board of Commissioners	
for consideration of a proposed land use action	on, a photograph of said sign(s) being
attached hereon, and a copy of the sign purch	ase receipt or rental contract attached
ph Men	11-29-22
Queler, Applicant or Representative	Date
Subscribed and sworm to before me this 29 Notary Public	day of November, 2022
Notary Fubile	
My commission expires:07 14-2026	
	STATE OF TENNESSEE S NOTARY & PUBLIC STATE OF OT THE PUBLIC STATE OF THE PUBLIC STATE

Staff Report SUP 22-30 December 8, 2022 Page 30

LETTERS RECEIVED

No letters were received by the time of publication of this report.

From: <u>Vicki Boykin</u> on behalf of <u>John Dudas</u>

To: dlyleswallaace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com;

<u>lisa@ethridgeenterprises.com</u>; <u>mwsharp@bellsouth.net</u>; <u>mwsharp@bellsouth.net</u>; <u>Scott Fleming</u>;

brown@gillprop.com; Tolesassoc@aol.com

Cc: Davis, Brett; Zeanah, John; Ron Belz; John Dudas

Subject: FW: Special Use Permit 22-30 Dream Hotel

Date: Wednesday, December 7, 2022 6:41:39 PM

Attachments: Special Use and Planned Development Review-969-UDC 38-12-7-22.docx

Dream Hotel-Site Plan w-letters.pdf

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear LUCB Board Members,

Attached please find a chart we prepared utilizing the "Approval Criteria" from Section 9.6.9 of the UDC. We included a column with "Belz Comments" corresponding to each of the six "Approval Criteria".

In summary, according to the criteria described in 9.6.9 A and B , the proposed project will clearly have a" substantial adverse effect" upon adjacent property, the character of the neighborhood, traffic conditions and parking. We did not evaluate the impact on utilities, drainage, public health and safety. And, due to the limited capacity and function of Gayoso Avenue and November 6th Street, it will be difficult to provide adequate access for essential services to the proposed project on a consistent basis (9.6.9 C). In terms of 9.6.9 D, there is concern regarding the impact of the proposed 19-story tower on the existing historic buildings in the area. Regarding the impact on adjacent properties (9.6.9 F), the siting and scale of the proposed 19- story tower could have an adverse effect on the development potential of the approximate half-acre parcel to the east of the subject.

Thank you,

John Dudas

John J. Dudas
Vice President & Director of
Strategic Planning
Belz Enterprises
100 Peabody Place, Suite 1400
Memphis, TN 38103
(901) 260-7244
John.dudas@belz.com

SUP 22-30 – DREAM HOTEL

9.6 SPECIAL USE AND PLANNED DEVELOPMENT REVIEW

9.6.9 APPROVAL CRITERIA

A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

A. Parking Issues. The CCRFC application does not indicate any on-site parking spaces in the proposed project("A") on the "Site Plan". There are a few spaces beneath the existing building, however it is uncertain whether they will exist or be practical for guest

Belz Comments

From a commonsense perspective, given the urban location, it is easy to expect parking demands for 175 vehicles for the variety of anticipated users.

parking in the future.

From our vantage point, the only potential supply within a reasonable distance for these vehicles is in the Mobility Center. We do not know whether the DMA has committed part of its space to support this project. However, this requirement is simply too important to not have a firm understanding and agreement.

Traffic Issues. The only vehicular access to the proposed project site is via Gayoso Avenue, ("E") which is a one-way, two-lane, east-west street from Front Street to November 6th Alley and November 6th, ("F") which is a 24' north-south alley which runs from Gayoso to Peabody Place Avenue. It appears that the primary vehicular arrival point ("D") for guests and visitors to this project is planned to be on Gayoso Avenue, which would add to the congestion of this

narrow street. The primary service, loading and waste removal area ("H") appears to be on November 6th Street. This would result in a complete breakdown of the north ingress/egress connection to the Tower and its garage.

November 6th Street is one of only two ingress/egress points to serve the 700car 110 Peabody Place parking garage ("C") and the loading and service functions for the 180,000 SF Tower at Peabody Place and associated ground floor commercial spaces in the Tower at Peabody Place. ("G") This alley becomes very congested every afternoon Monday through Friday and most evenings. The garage accommodates many attendees of events at the FedEx Forum, Orpheum Theatre, restaurants, and other venues in that section of Downtown. It would be very difficult for Gayoso and November 6th streets, both very narrow, to serve the additional needs of a hotel, ballroom and restaurants based on the current utilization of these streets.

November 6th Street is only 24' wide. It must remain open for two-way traffic at ALL TIMES for vehicles accessing the 110 PP parking garage and the loading dock and service area of the Tower at Peabody Place.

A hotel of this size will require very frequent deliveries and removal of waste. The application shows a space identified as "Service Ent" on the east side of the first floor of the building adjoining November 6th Street. ("H") (The proposed plan appears to show a truck parked <u>in</u> November 6th Street next to be the service entry to the proposed project.). If the proposed project were to utilize the alley as an active loading and unloading zone it would seriously disrupt the operations of both the 110 PP

parking garage and the Tower at Peabody Place. Incidentally, the Tower at Peabody Place has a separate loading area located entirely within the footprint of the office building property and not on the Right of Way. ("G") No active loading/unloading should occur in the November 6th Street right of way. The Developer must make whatever accommodations must be made within the property lines of the proposed development.

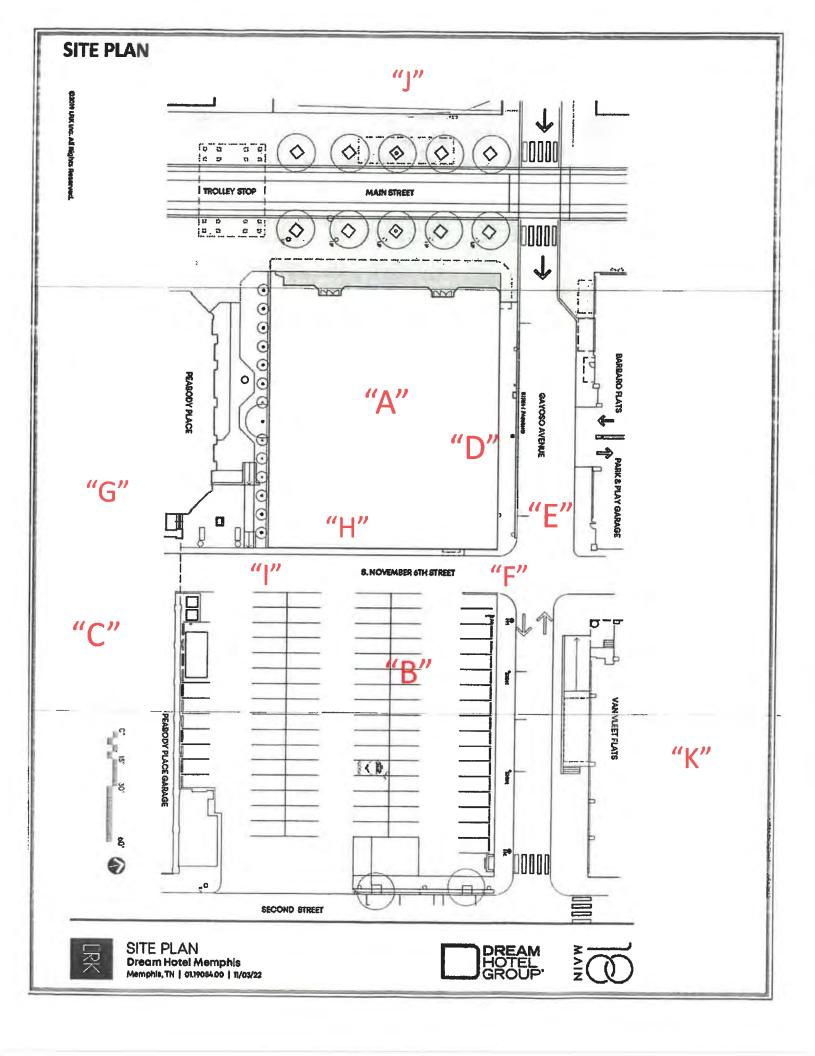
OUTCOME:

The problems would likely cascade and cause traffic within the garage to backup inside the facility while waiting on access to Peabody Place at Main which is already overwhelmed by traffic. The traffic along Peabody Place and Main area will only become worse when the Mobility Center opens, which is adding over 900 new spaces. The only loading dock to The Tower is on November 6th Street within the footprint of the garage and on our Tower property. Truck and delivery traffic is constantly using this area and requires November 6th Street to reach our loading area. Obstructing this Right of Way while actively loading will affect the USPS (the only downtown retail center) and many of the businesses within the Office Tower. In summary, both problems – parking and loading and blocking the Right of Way - would be a direct result of this project, and neither are acceptable outcomes.

Without addressing these matters, the operation of this proposed project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking and other matters affecting

	the public health, safety, and general welfare.
B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.	B. In addition to the on-going operational issues discussed in "A" above, the construction process could cause serious disruption to November 6th Street and Gayoso Avenue. The existing Jolly Royal building footprint extends to November 6th Street which could require construction equipment, cranes etc. to utilize the November 6th Street right of way as a staging area. ("I") As was stated in "A" above, November 6th Street must remain open at all times to accommodate the 110 PP parking garage and Tower at Peabody Place. Due to the scale and design of the project as presented the construction of the project will dramatically interfere with the use of the adjacent property for about 2
C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.	years or more ("B"). C. As was stated in "A" above, due to the lack of adequate vehicular access to the subject site, it is difficult to understand how guests could properly access a 181-room hotel, ballroom and restaurants and how these facilities could be adequately serviced in terms of waste disposal, deliveries and other services. Fire and emergency services. The application does not deal with how ladder fire trucks could access the proposed 19-story tower with only a 24' alley adjoining the high-rise portion of the project
D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.	D. Historical significance. The application does not address how the proposed structural modifications to the 122 S. Main building will impact the architectural and historic nature of the existing building. The three historic buildings located on the west side of Main Street, ("J") across from proposed development, as well as the historic structure located on the north

	side of Gayoso, ("K") were all restored according to the policies and procedures of the National Trust for Historic Preservation. They reflect a high quality of design and historic preservation which received numerous awards from national and local organizations involved in design and historic restoration development. It is not clear how a new 16 story modern tower inserted within a three-story historic structure will be compatible with the existing historic structure at 122 S. Main or the historic structures in the immediate area.
E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.	N/A
F. The request will not adversely affect any plans to be considered, (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.	Development of Adjacent Properties. There is an approximate one - half acre parcel on the east side of the subject site which currently functions as a parking lot (2nd/Gayoso parcel). ("B") This site has the potential for development as a mixed-use project. Locating a 19-story tower approximately 24' from the west property line of the 2nd/Gayoso parcel could limit the optimum development potential of this site. Furthermore, when a new structure is developed on the 2nd/Gayoso parcel it will obstruct the views from the hotel rooms and apartments on the east side of the proposed Dream Hotel project.



CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

Planning & Development ONE ORIGINAL ONLY STAPLED | **DIVISION |TO DOCUMENTS| Planning & Zoning** COMMITTEE: 12/06/2022 DATE **PUBLIC SESSION:** 12/06/2022 DATE ITEM (CHECK ONE) RESOLUTION X REQUEST FOR PUBLIC HEARING X ORDINANCE **ITEM CAPTION:** Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Commercial Mixed Use – 3 (CMU-3) Use District, known as case number Z 22-009 Z 22-009 **CASE NUMBER:** South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road LOCATION: **COUNCIL DISTRICTS:** District 2 and Super District 9 – Positions 1, 2, and 3 **OWNER/APPLICANT:** MIM LLC – Prentiss Mitchell **REPRESENTATIVES:** MIM LLC - Prentiss Mitchell **REQUEST:** Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3) The Division of Planning and Development recommended Approval **RECOMMENDATION:** The Land Use Control Board recommended Approval RECOMMENDED COUNCIL ACTION: Public Hearing Required Set date for first reading – December 6, 2022 Second reading – December 20, 2022 Third reading – January 3, 2023 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED (1) 11/10/2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** MUNICIPAL PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 22-009

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTH SIDE OF TN 385, NORTH SIDE OF RIVERDALE BEND ROAD AND EAST OF RIVERDALE ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE — 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-009

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, November 10, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 22-009

LOCATION: South side of TN 385, north side of Riverdale Bend Road and east of Riverdale Road

COUNCIL DISTRICTS: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVES: MIM LLC – Prentiss Mitchell

REQUEST: Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed

Use - 3 (CMU-3)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote of 8-0 on the consent agenda.

Respectfully,

Seth Thomas

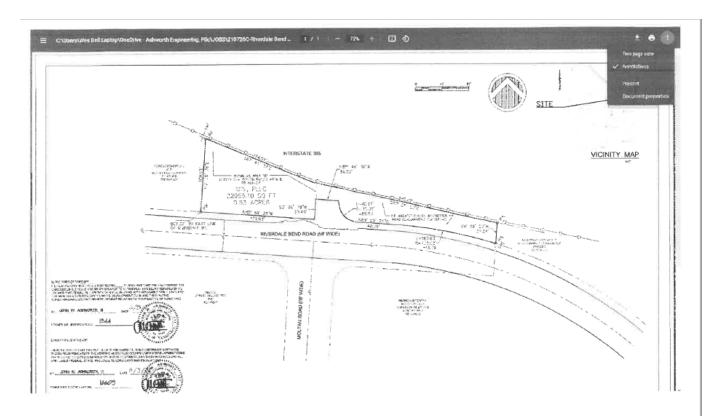
Municipal Planner

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

PLOT PLAN



ORDINANCE NO:	
---------------	--

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTH SIDE OF TN 385, NORTH SIDE OF RIVERDALE BEND ROAD AND EAST OF RIVERDALE ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE COMMERCIAL MIXED USE – 3 (CMU-3) USE DISTRICT, KNOWN AS CASE NUMBER Z 22-009

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as Case Number: Z 22-009; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE Conservation Agriculture (CA) USE DISTRICT AND INCLUDING IT IN THE Commercial Mixed Use – 3 (CMU-3) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PARCEL 1

BEGINNING AT A IRF AT THE SOUTHEAST CORNER OF THE FOREST BEND PROPERTY, LLC TRACT HAVING TN STATE PLANE COORDINATES (NAD83) OF N:284037.61, E:823485.71, SAID POINT BEING 901.37 FEET EASTWARDLY, AS MEASURED ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD FROM IT'S TANGENT INTERSECTION WITH THE EASTERLY LINE

OF RIVERDALE ROAD; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID FOREST BEND PROP WITH A BEARING OF N 03°55'36" EA DISTANCE OF 109.55 FEET TO A IRF; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING OF S 67°41'37" EA DISTANCE OF 174.91 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING OF S 77°31'57" EA DISTANCE OF 285.42 FEET TO AN IPS; THENCE SOUTHERLY ALONG THE WESTERL LINE OF THE NEW DEVELOPMENT LLC TRACT WITH A BEARING OF S 04°03'20" WA DISTANCE OF 31.84 FEET TO A IPS; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD (68' ROW) THE FOLLOWING COURSES: WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 700.00 FEET, HAVING A CHORD BEARING OF N 79°14'41" WAND A CHORD DISTANCE OF 163.26, HAVING A CENTRAL ANGLE OF 13°23'36" AND AN ARC LENGTH OF 163.63 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" WA DISTANCE OF 49.35 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 30.00 FEET, HAVING A CHORD BEARING OF N 41°11'32" WAND A CHORD DISTANCE OF 42.28, HAVING A CENTRAL ANGLE OF 89°35'39" AND AN ARC LENGTH OF 46.91 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85° 48'36" WA DISTANCE OF 34.00 FEET TO A POINT; THENCE SOUTHERLY WITH A BEARING OF S 03°36'18" WA DISTANCE OF' 29.89 FEET TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" WA DISTANCE OF 172.93 FEET TO THE POINT OF BEGINNING.; CONTAINING 22955.10 SQUARE FEET OR 0.527 ACRES MORE OR LESS.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

Division of Planning and Development

– Land Use and Development Services CC:

- Office of Construction Enforcement

Shelby County Assessor

dpd STAFF REPORT

AGENDA ITEM: 17

CASE NUMBER: Z 2022-009 L.U.C.B. MEETING: November 10, 2022

LOCATION: South side of TN 385, north side of Riverdale Bend Road and east of Riverdale

Road

COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: MIM LLC – Prentiss Mitchell

REPRESENTATIVE: MIM LLC – Prentiss Mitchell

REQUEST: Rezoning of +/-0.31 acres from Conservation Agriculture (CA) to Commercial

Mixed Use -3 (CMU-3)

CONCLUSIONS

1. The request is to rezone +/-0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use – 3 (CMU-3).

- 2. The underlying purpose of this request is to allow for the property to receive state approval for a double sided off premise sign. An eastward facing sign was approved by the State of Tennessee in 2021.
- 3. The subject property is vacant at this time.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-16 of this report.

RECOMMENDATION

Approval

Staff Writer: Seth Thomas E-mail: seth.thomas@memphistn.gov

Staff Report Z 2022-009

November 10, 2022 Page 2

GENERAL INFORMATION

Street Frontage: Riverdale Bend Road+/-462.00 curvilinear feet

Zoning Atlas Page: 2550

Parcel ID: 093500 00485

Existing Zoning: Conservation Agriculture

Requested Zoning: Commercial Mixed Use – 3 (CMU-3)

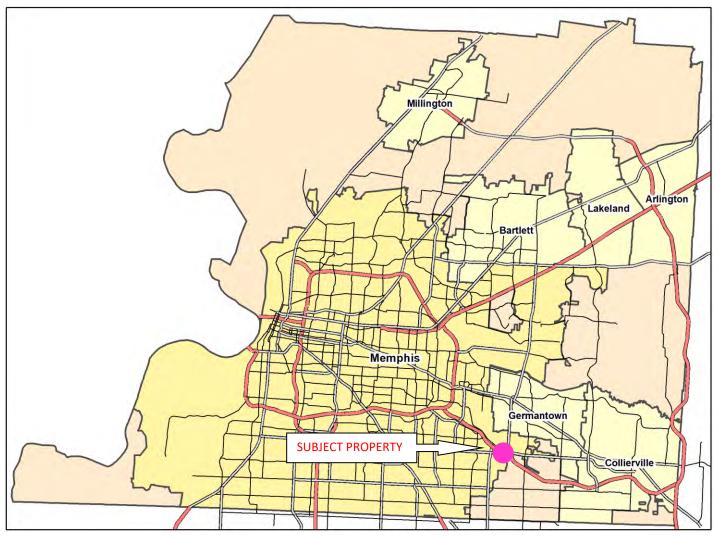
NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on October 22, 20022 7126 Riverdale Bend Drive.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 25 notices were mailed on October 26, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Hickory Hill

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA), PD 95-338 (eastern half of site), and PD 82-32

(westernhalf of site)

Surrounding Zoning

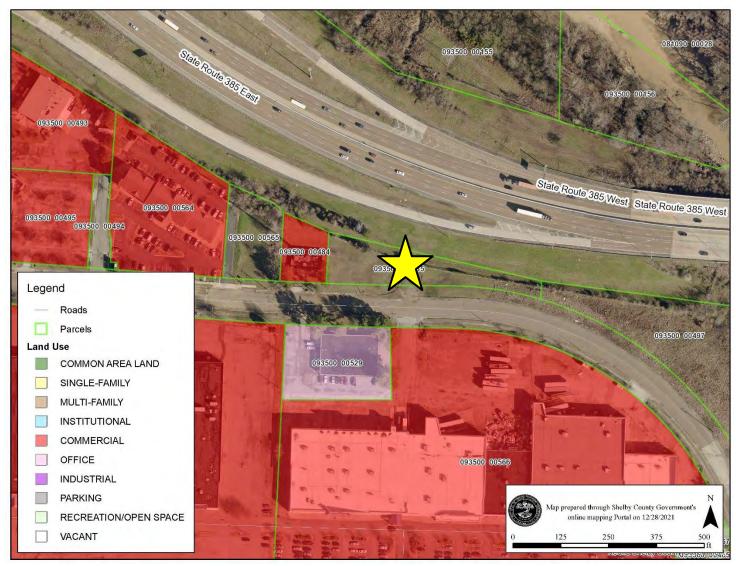
North: Residential Single-Family – 15 (R-15) – State Route 385

East: Conservation Agriculture (CA), PD 97-311, BOA 2020-20, and BOA 2021-21

South: Conservation Agriculture (CA), PD 95-338, and PD 82-32

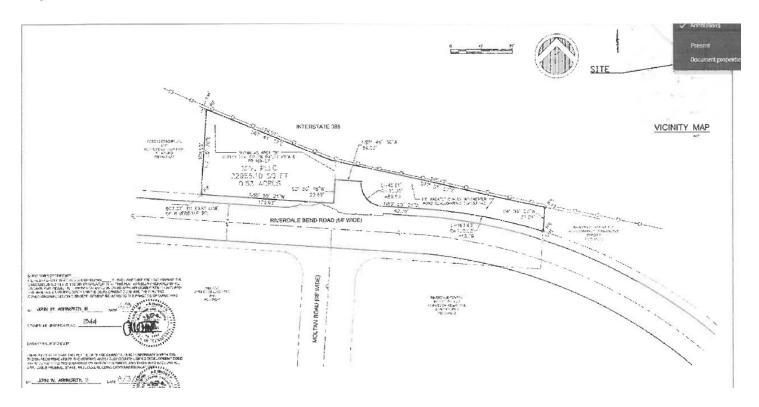
West: Conservation Agriculture (CA) and PD 82-32

LAND USE MAP



Subject property indicated by a yellow star

PLOT PLAN



SITE PHOTOS



View of subject property from Riverdale Bend Road looking northeast



View of Subject property from Riverdale Bend Road looking northwest



View of subject property from TN State Route 385 looking south

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

Rezoning of \pm 0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use \pm 3 (CMU-3).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1)	Consistency	with anv	plans to be	considered	(see Chapte	r 1.9):
J.J., _ (_ /		,	p		1000 00.	,,

9.5.7B(2)	Compatibility with the present zoning (including any residential corridor overlay district) and
	conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed distr

9.5.7B(4)	Whether the proposed change tends to improve the balance of uses, or meets a specific demand
	in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/-0.53 acres (+/-23,086 square feet), known as parcel ID 093500 00485, and located on the south side of TN 385, north side of Riverdale Bend Rd and east of Riverdale Rd. The site is zoned Conservation Agriculture (CA), however, the site is currently regulated by the Gurley Development Center PD and the Gurley Winchester Road Development PD which both reference an underlying zoning of the Office General (OG). The subject property is currently vacant land and the surrounding land uses are a mixture of commercial, office, and vacant land.

Conclusions

The request is to rezone \pm -0.31 acres from Conservation Agriculture (CA) to Commercial Mixed Use \pm 3 (CMU-3).

The underlying purpose of this request is to allow for the property to receive state approval for a double sided off premise sign. An eastward facing sign was approved by the State of Tennessee in 2021.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer: No comments received.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:



Leigh Huffma Municipal Plannel Office of Sustainability and Resilience 125 N. Main St. Memphis, TN 38103 Leigh Huffman@memphistn.go

MEMORANDUM

To: Seth Thomas, Municipal Planner

From: Leigh Huffman, Municipal Planner

Date: October 21, 2022

Subject: OSR Comments on Z 22-09: SE MEMPHIS

General Comments & Analysis:

Located in Zone 1 and Zone 4 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

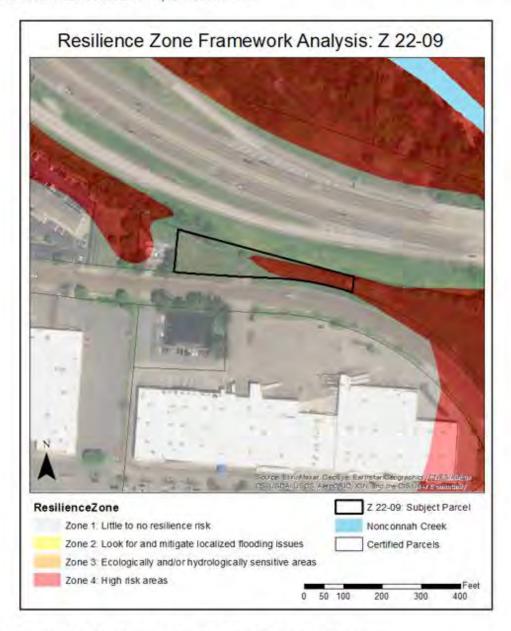
Zone 4 areas are high risk locations, namely riparian corridors, floodplains, and especially high vulnerability to earthquakes. Development in these locations is often directly at risk for flooding. Although these risks could be mitigated through the construction of major flood control infrastructure and higher seismic construction standards, it is generally advisable to avoid these areas for future development whenever possible. Efforts should be made to protect and further prevent development within Zone 4 for the purposes of mitigating the risk exposure to health and safety.

The portion of the parcel that is located in Zone 4 is due to the 500-year floodplain (0.2% annual change of flooding).

The parcel that the Applicant would like to rezone is currently zoned Conservation Agriculture. The types, area, and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas, especially areas located in sensitive environmental contexts such as floodplains.

Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This planned development request is not consistent with the Mid-South Regional Resilience Master Plan. The Plan specifically highlights the 500-year floodplain as an area unsuited for most development due to the high risk of flooding (Section 4.1 Resilient Sites). Section 4.3 Flood Smart Development recommends that currently vacant parcels in the floodplain should be preserved. Rezoning a parcel from Conservation Agriculture to a zoning district with a higher intensity of uses, such as Commercial Mixed Use-3, is not advisable.



Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff does not recommend approval of this rezoning request.

Office of Comprehensive Planning:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Wildlands, waterways, and natural features with a focus on preservation and occasional opportunities for passive recreation. Conservation Agriculture. Graphic portrayal of OSN to the right.



"OSN" Form & Location Characteristics

Conservation and recreational uses.

"OSN" Zoning Notes

Generally compatible with the following zone districts: OS, FW, CA in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. Changes unlikely; may consider rezoning, as appropriate, at the time of a small area plan. Analysis to understand how uses like wind farms, solar farms, stormwater facilities, community gardens/CSAs, apiaries, timber harvesting, or other similar uses are integrated into these zones.

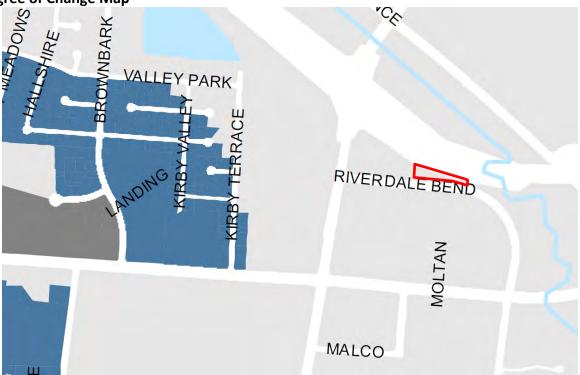
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CA

Adjacent Land Use and Zoning: Commercial, Vacant and Office, CA, CMU-2, R-15

Overall Compatibility: This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial on a land designated to act as natural and flood preservation lot.

Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

3. Degree of Change Description

N/A

4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

The requested use will impede Objective 1.3 – Develop strategies that reduce blight and vacancy: Action 1.3.14 – *Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues, and* Action 1.3.13 – *Apply nature lots and flood lots as transitional uses at community edges, particularly where communities border health or environmental hazards or buffer land use incompatible with residential uses.*

Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations $\ensuremath{\mathsf{N/A}}$

Consistency Analysis Summary

The applicant is seeking approval for rezoning of property from CA (Conservation Agriculture) to CMU-3. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed use is commercial on a land designated to act as natural and flood preservation lot.

The requested use will impede Objective 1.3 – Develop strategies that reduce blight and vacancy: Action 1.3.14 - Identify opportunities to apply flood lots throughout communities to address persistent stormwater issues, and Action 1.3.13 – Apply nature lots and flood lots as transitional uses at community edges, particularly where communities border health or environmental hazards or buffer land use incompatible with residential uses.

Based on the information provided, the proposal is <u>NOT CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR REZONING APPROVAL

Date: 10/05/2022	Case #:	Case #:		
	PLEASE	TYPE OR PRINT		
Property Owner of Record: MIM LLC		Phone #: 90	1-305-5000	
Mailing Address: P.O. Box 488		City/State: Horn Lake, MS	Zip 38637	
Property Owner E-Mail Address: mimllo	memphis@gmail.	com		
Applicant: MIM LLC		Phone # 90	1-305-5000	
Mailing Address: P.O. Box 488		City/State: Horn Lake, MS	Zip 38637	
Applicant E- Mail Address: mimlcmemp	his@gmail.com			
Representative: Prentiss Mitchell		Phone #: 90	1-305-5000	
Mailing Address: P.O. Box 488		City/State: Horn Lake, MS	Zip 38637	
Representative E-Mail Address: Prentiss	Mitchell			
Engineer/Surveyor: Wes Ashworth, PE, R	LS	Phone #901	-414-8767	
Mailing Address: 10815 Collierville Road		City/State: Collierville, TN	Zip38017	
Engineer/Surveyor E-Mail Address: wes	sley@ashworthen	gineering.com		
Street Address Location: 7126 Riverdale	Bend, Memphis T	N 38125		
Distance to nearest intersecting street: 9	05 Feet			
	Parcel 1	Parcel 2 Parc	cel 3	
Area in Acres:	0.31			
Existing Zoning:	CA			
Existing Use of Property	Vacant Vacant			
Requested Use of Property Requested Zoning	CMU-3			
	10/4/2022	with Seth Thomas		
Pre-Application Conference held on:	10/4/2022			
Neighborhood Meeting Requirement		or Not Yet or Not Required (see		
	(If yes, do	cumentation must be included with ap	oplication materials)	
I (we) hereby make application accompanying materials. I (we) result in the postponement of the Land Use Control Board at the ne property hereby authorize the filing of	accept respo application b ext available h	nsibility for any errors or omis eing reviewed by the Memphis learing date. I (We), owner(s) of t	& Shelby County the above described	
MIM LLC	10/5/22	MIMIC	10/5/22	
Property Owner of Record	Date	M TM LLC Applicant	Date	

UDC Article 9.5, Zoning Change

A zoning change shall correspond with the boundary lines of existing tracts and lots. Where the boundaries of a zoning change request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this development code (sub-section 9.5.2A).

All zoning requirements shall be met within the boundaries of the area being rezoned. If all the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements (sub-section 9.5.2B).

Any zoning change affecting property within a community redevelopment area shall be supported by the Community Redevelopment Plan for area (sub-section 9.5.2C).

*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site which the hearing involves (Section 9.3.2):

- Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);
- 2) Special use permit and major modification to a special use permit; and
- 3) Planned development outline plan or major modification to a planned development outline plan.

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

LETTER OF INTENT

Municipal Planner Land Use and Development Services Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

MIM LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

RE: 7126 Riverdale Bend

Department of Planning and Development,

I am applying for Rezoning for 7126 Riverdale Bend, Memphis TN 38125.

Best Regards,

MIM LLC

SIGN AFFIDAVIT

AFFIDAVIT

am/pm
Sign(s)
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133.

Staff Report Z 2022-009 November 10, 2022 Page 21

LETTERS RECEIVED

Three letters of support and zero letters of opposition were received at the time of completion of this report and have subsequently been attached.

August 2, 2022

TO:

Memphis City Council City Hall - 125 North Main Street Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson Smoothie King 3586 Riverdale Rd Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Department of Planning and Development,

I am writing this letter of support for MIM LLC that is before the City Council. The approval of this project will be beneficial for my business that is in your district and an asset to my business growth.

MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner

August 1, 2022

TO:

Memphis City Council City Hall - 125 North Main Street Memphis, Tennessee 38103-2017

FROM:

Terrika Smith Ten Karats Virgin Hair 7100 Winchester Rd Memphis, TN 38125

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Memphis City Council,

I am writing this letter of support for MIM LLC/ Prentiss Mitchell that is requesting approval before the City Council. I believe this project will be great for businesses like mine in your district.

As you know, blight is a big problem in the City of Memphis. For years the subject property has been vacant land with illegal dumping and blight. As the new owner, MIM LLC has agreed to do major landscaping to the property and eliminate blight.

Approving this application is a Win for my business and a Win for the City of Memphis.

In conclusion, I deeply support the efforts of MIM LLC and request your vote of approval.

Yours Sincerely,

Terrika Smith

Ten Karats Virgin Hair

August 2, 2022

TO:

Memphis City Council City Hall - 125 North Main Street Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson Smoothie King 3586 Riverdale Rd Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

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MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning Record Status: Assignment

Opened Date: October 5, 2022

Record Number: Z 2022-009 Expiration Date:

Record Name: -

Description of Work: REZONING OF PROPERTY FROM CA (CONSERVATION AGRICULTURE) TO

CMU-3 (COMMERCIAL MIXED USE -3)

Parent Record Number:

Address:

7126 RIVERDALE BEND RD, MEMPHIS 38125

Owner Information

Primary Owner Name
Y MIM LLC

Owner Address Owner Phone

0 PO BOX 488, HORN LAKE, MS 38637

Parcel Information

093500 00485

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner SETH THOMAS
Date of Meeting 10/4/2022

GENERAL INFORMATION

Is this application in response to a citation from No

Page 1 of 2 Z 2022-009

GENERAL INFORMATION

Construction Code Enforcement or Zoning

Letter?

Have you held a neighborhood meeting? No If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District

Case Layer

Class

Downtown Fire District

Historic District

Land Use

No

Municipality MEMPHIS

Overlay/Special Purpose District Zoning State Route 1
Lot Subdivision Planned Development District Wellhead Protection Overlay District -

Contact Information

Name Contact Type
MIM LLC APPLICANT

Address

Phone

(901)305-5000

Fee Information

Invoice #Fee ItemQuantityFeesStatusBalanceDate Assessed1419407Non-Residential Rezoning11,000.00INVOICED0.0010/05/2022

- 5 acres or less

Total Fee Invoiced: \$1,000.00 Total Balance: \$0.00

Payment Information

Payment Amount Method of Payment

\$1,000.00 Check

Page 2 of 2 Z 2022-009



Property Owner of Record

Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR REZONING APPROVAL

Date: 10/05/2022	Case #:			
	PLEASE TYPE	OR PRINT		
Property Owner of Record: MIM LLC		Pł	none #: 901	-305-5000
Mailing Address: P.O. Box 488	City/State: Horn La		Zip 38637	
Property Owner E-Mail Address: mimlle	cmemphis@gmail.com			T
Applicant: MIM LLC		P	hone # 901	-305-5000
Mailing Address: P.O. Box 488		City/State: Horn La		Zip 38637
Applicant E- Mail Address: mimllcmem	phis@gmail.com			
Representative: Prentiss Mitchell		P1	none #: 901	-305-5000
Mailing Address: P.O. Box 488		City/State: Horn La		Zip_38637
Representative E-Mail Address: Prentis	s Mitchell			
Engineer/Surveyor: Wes Ashworth, PE, F		Pł	one #901-4	414-8767
Mailing Address: 10815 Collierville Road		City/State: Collierv		Zip38017
Engineer/Surveyor E-Mail Address: we	esley@ashworthenginee			
Street Address Location: 7126 Riverdale				
Distance to nearest intersecting street:				
	Parcel 1	Parcel 2	Parc	el 3
Area in Acres:	0.31		-	
Existing Zoning:	CA Vacant	-	-	
Existing Use of Property Requested Use of Property	Vacant	-		
Requested Zoning	CMU-3	-		
Pre-Application Conference held on:	10/4/2022 with	h Seth Thomas		
Tre-Application Conference network		[
Neighborhood Meeting Requirement		Not Yet or Not Req		
	(If yes, docum	entation must be includ	ed with app	plication materials)
I (we) hereby make application		_		
accompanying materials. I (we)		-		-
result in the postponement of the		-	_	
Land Use Control Board at the n property hereby authorize the filing		_		
property nereby authorize the fining	or this application a	nu the above hameu po	A 30H3 to 4	et on my benam.
MIMUC	10/5/22	MINIC		10/5/22

Applicant

Date

Date

UDC Article 9.5, Zoning Change

A zoning change shall correspond with the boundary lines of existing tracts and lots. Where the boundaries of a zoning change request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this development code (sub-section 9.5.2A).

All zoning requirements shall be met within the boundaries of the area being rezoned. If all the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements (sub-section 9.5.2B).

Any zoning change affecting property within a community redevelopment area shall be supported by the Community Redevelopment Plan for area (sub-section 9.5.2C).

*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site which the hearing involves (Section 9.3.2):

- 1) Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);
- 2) Special use permit and major modification to a special use permit; and
- 3) Planned development outline plan or major modification to a planned development outline plan.

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

GUIDE FOR SUBMITTING ZONING DISTRICT RECLASSIFICATION APPLICATION

- A <u>THE APPLICATION</u> Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the plot plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
 - 1) This application, 8.5"x11" Plot Plan, Concept Plan*, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" and a copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

B PLOT PLAN AND LEGAL DESCRIPTION

- 1) Two (2) copies of the plot plan, drawn to scale (1"=50', =100' or =200'), showing each parcel to be considered. Two or more parcels may be described on one sheet. If property is encumbered by easements, show type and location on plot plan.
- 2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan.

C VICINITY MAP

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500'radius. If the 500'radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

D LIST OF NAMES AND ADDRESSES

- 1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2^{5/8}" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.
- 2) Two (2) self-adhesive mailing labels (1"x 2^{5/8}") each for the owner of record, applicant, representative and/or engineer/surveyor.

E FILING FEES (All Fees Are Subject To Change without Prior Notice)

- 1) Residential Rezoning: 5.0 Acres or less=\$750. Each additional acre or fraction thereof =\$75 per acre Maximum =\$7,500.
- 2) Non-Residential Rezoning: 5 acres or less = \$1,000.00. Each additional acre or fraction thereof =\$100.00 per acre. Maximum fee=\$7,500.00
- Make check payable to "M/SC Office of Planning and Development"

^{*}The requirement for submission of a Concept Plan with a Rezoning Application may be waived by the Office of Planning and Development.

Municipal Planner Land Use and Development Services Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

MIM LLC

P.O. Box 488

Horn Lake, MS 38637

LETTER OF INTENT

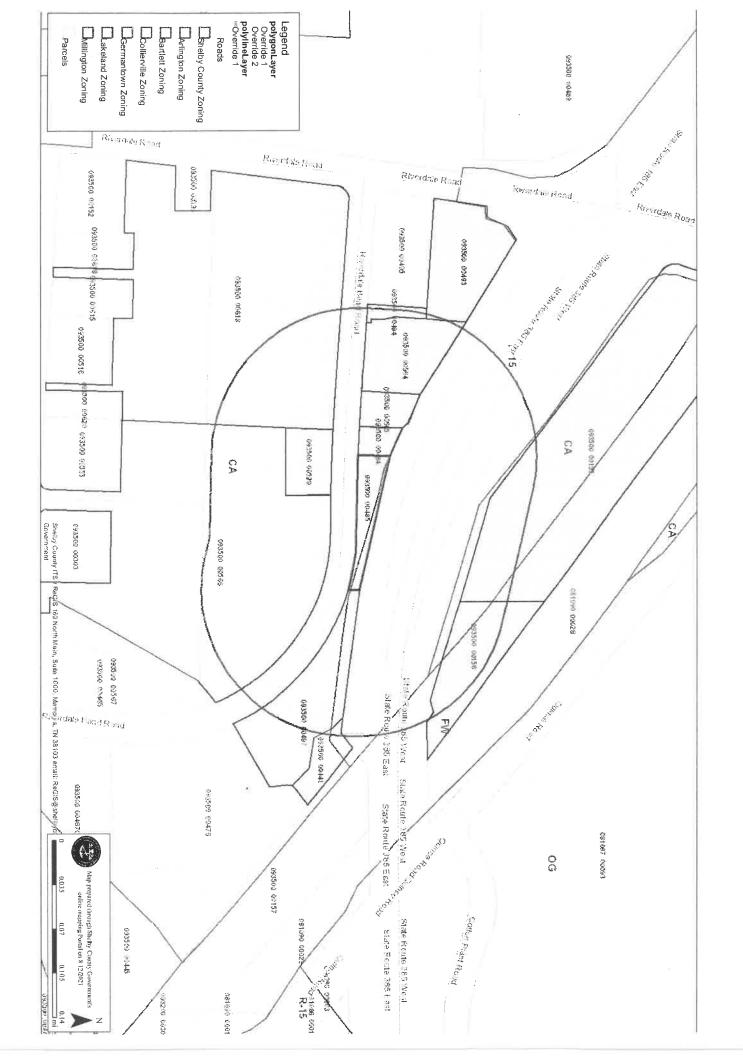
RE: 7126 Riverdale Bend

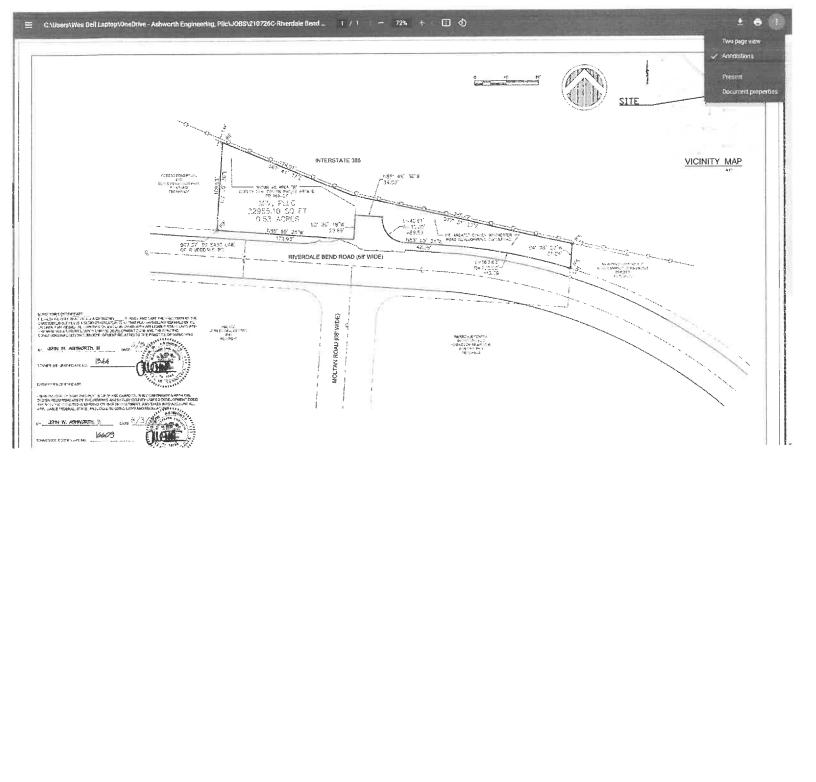
Department of Planning and Development,

I am applying for Rezoning for 7126 Riverdale Bend, Memphis TN 38125.

Best Regards,

MIM LLC





LEGAL DESCRIPTION

THE NORTHERLY LINE OF RIVERDALE BEND ROAD FROM IT'S TANGENT INTERSECTION WITH THE EASTERLY LINE OF RIVERDALE FOLLOWING COURSES: WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 700.00 FEET, HAVING A CHORD POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" W A DISTANCE OF 172.93 FEET TO THE POINT OF BEGINNING.; COORDINATES (NAD83) OF N:284037.61, E:823485.71, SAID POINT BEING 901.37 FEET EASTWARDLY, AS MEASURED ALONG DISTANCE OF 109.55 FEET TO A IRF; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF INTERSTATE 385 WITH A BEARING POINT; THENCE IN A NORTHWESTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 30.00 89°35'39" AND AN ARC LENGTH OF 46.91 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°48'36" W A DISTANCE LENGTH OF 163.63 TO A POINT; THENCE WESTERLY WITH A BEARING OF N 85°59'21" W A DISTANCE OF 49.35 FEET TO A INTERSTATE 385 WITH A BEARING OF S 77°31'57" E A DISTANCE OF 285.42 FEET TO AN IPS; THENCE SOUTHERLY ALONG THE WESTERL LINE OF THE NEW DEVELOPMENT LLC TRACT WITH A BEARING OF S 04°03'20" W A DISTANCE OF 31.84 FEET ROAD; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID FOREST BEND PROP WITH A BEARING OF N 03°55'36" E A OF 34.00 FEET TO A POINT; THENCE SOUTHERLY WITH A BEARING OF S 03°36'18" W A DISTANCE OF 29.89 FEET TO A SEGINNING AT A IRF AT THE SOUTHEAST CORNER OF THE FOREST BEND PROPERTY, LLC TRACT HAVING IN STATE PLANE BEARING OF N 79°14'41" W AND A CHORD DISTANCE OF 163.26, HAVING A CENTRAL ANGLE OF 13°23'36" AND AN ARC TO A IPS; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF RIVERDALE BEND ROAD (68' ROW) THE FEET, HAVING A CHORD BEARING OF N 41°11'32" W AND A CHORD DISTANCE OF 42.28, HAVING A CENTRAL ANGLE OF OF S 67°41'37" E A DISTANCE OF 174.91 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF CONTAINING 22955.10 SQUARE FEET OR 0.527 ACRES MORE OR LESS. This description was generated on 8/10/2021 at 3:15 PM, based on geometry in the drawing file S:\210726C-Riverdale Bend Rd-Prentiss Mitchell\08 Survey\RIVERDALE BEND SURVEY.dwg. BY ASHWORTH ENGINEERING,

August 2, 2022

TO:

Memphis City Council City Hall - 125 North Main Street Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson Smoothie King 3586 Riverdale Rd Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Department of Planning and Development,

I am writing this letter of support for MIM LLC that is before the City Council. The approval of this project will be beneficial for my business that is in your district and an asset to my business growth.

MIM LLC became the owner of the subject property recently and has agreed to eliminate the constant blight on the vacant property. This would be good for my business and the City of Memphis.

I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner

August 1, 2022

TO:

Memphis City Council City Hall - 125 North Main Street Memphis, Tennessee 38103-2017

FROM:

Terrika Smith Ten Karats Virgin Hair 7100 Winchester Rd Memphis, TN 38125

Subject: 7126 Riverdale Bend, Memphis TN 38125

Dear Memphis City Council,

I am writing this letter of support for MIM LLC/ Prentiss Mitchell that is requesting approval before the City Council. I believe this project will be great for businesses like mine in your district.

As you know, blight is a big problem in the City of Memphis. For years the subject property has been vacant land with illegal dumping and blight. As the new owner, MIM LLC has agreed to do major landscaping to the property and eliminate blight.

Approving this application is a Win for my business and a Win for the City of Memphis.

In conclusion, I deeply support the efforts of MIM LLC and request your vote of approval.

Yours Sincerely,

Terrika Smith

Ten Karats Virgin Hair

August 2, 2022

TO:

Memphis City Council City Hall - 125 North Main Street Memphis, Tennessee 38103-2017

FROM:

Malcolm Jackson Smoothie King 3586 Riverdale Rd Memphis, TN 38115

Subject: 7126 Riverdale Bend, Memphis TN 38125

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I support approving this application and request your vote of approval.

Yours Sincerely,

Malcom Jackson

Smoothie King Franchisee/Owner

October 5, 2022

You are invited to a neighborhood meeting to discuss a REZONING application filed with the Memphis and Shelby County Office of Planning and Development. The site is at 7126 Riverdale Bend Memphis TN 38125. The request is to rezone the subject property from CA to CMU-3 for future development.

NEIGHBORHOOD MEETING NOTICE

Subject: Rezoning of 7126 Riverdale Bend Memphis TN 38125

Date: 22 October 2022 (rain date 23 October 2022)

Time: 2:00 p.m.

Location: 7126 RIVERDALE BEND, Memphis, TN 38125

The Rezoning Application will also be heard at the Land Use Control Board meeting:

Date: November 10, 2022

Time: 9:00 a.m.

Place: City Council Chambers, 1st Floor, City Hall Memphis TN

Applicant is available by phone or email should you have any questions. The phone number is 901-305-5000 and the email address info is mimllcmemphis@gmail.com. You may also contact the Office of Planning and Development at 901.636.6601.

Thank you, MIM LLC

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103 RIVERDALE CENTER INVESTORS LLC 1825 MAIN ST # WESTON FL 33326

H & L LLC 6036 WILD OAKS DR # MEMPHIS TN 38120 TERRAPIN MEMPHIS INVESTMENTS LLC 15 W 6TH ST #2400 TULSA OK 74119

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103 LIGHTMAN MICHAEL A 5100 POPLAR AVE #2602 MEMPHIS TN 38137

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103

NEW DEVELOPMENT LLC 3264 W SARAZENS CIR # MEMPHIS TN 38125

PEARL ESTATES LLC 7445 NORTHWIND CV # MEMPHIS TN 38125

WRING REAL ESTATE LLC 5524 RIVERDALE RD # MEMPHIS TN 38141

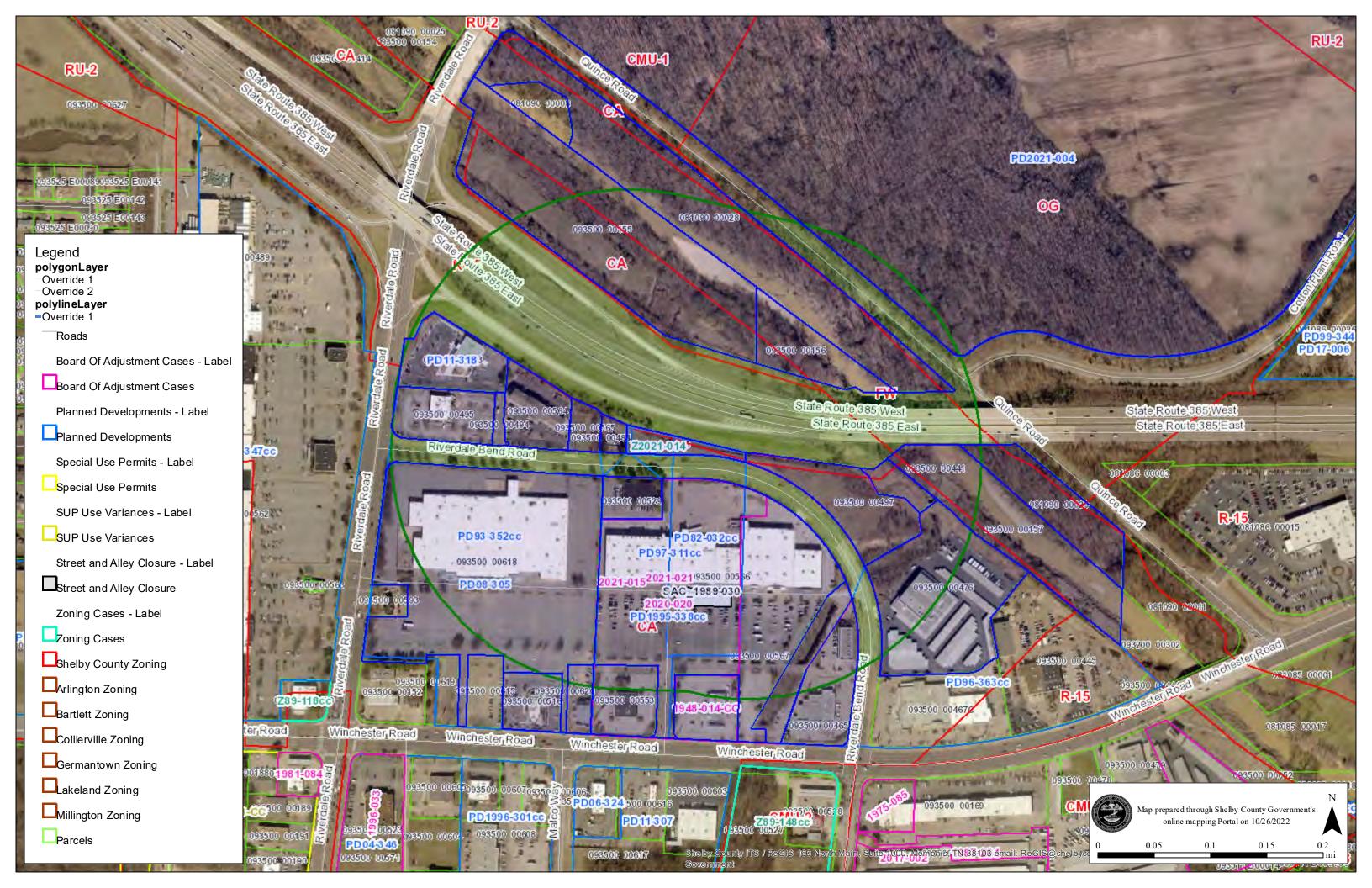
FOREST BEND PROPERTIES LLC 9200 FOREST BEND CT # GERMANTOWN TN 38138

FOREST BEND PROPERTIES LLC 9200 FOREST BEND CT # GERMANTOWN TN 38138

JMK5 WINCHESTER LLC 308 W PARKWOOD AVE #104A FRIENDSWOOD TX 77546 093500 00155 - SHELBY COUNTY
093500 00529 - H & L LLC
093500 00441 - MEMPHIS CITY OF
093500 00156 - SHELBY COUNTY
093500 00497 - NEW DEVELOPMENT LLC
093500 00493 - PEARL ESTATES LLC
093500 00565 - WRING REAL ESTATE LLC
093500 00484 - FOREST BEND PROPERTIES LLC
093500 00485 - FOREST BEND PROPERTIES LLC
093500 00618 - JMK5 WINCHESTER LLC

093500 00564 - TERRAPIN MEMPHIS INVESTMENTS LLC

093500 00494 - LIGHTMAN MICHAEL A



COUNTY OF SHELBY 160 N MAIN ST # MEMPHIS TN 38103

RIVERDALE CENTER INVESTORS LLC RIVERDALE CENTER INVESTORS LLC 1825 MAIN ST # WESTON FL 33326

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SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103 PEARL ESTATES LLC 7445 NORTHWIND CV # MEMPHIS TN 38125

RIVERDALE CENTER INVESTORS LLC 1825 MAIN ST # WESTON FL 33326

H & L LLC

WRING REAL ESTATE LLC 5524 RIVERDALE RD # MEMPHIS TN 38141

EXTRA SPACE PROPERTIES TWO LLC PO BOX 800729 # DALLAS TX 75380

GREGORY REALTY GP 310 GERMANTOWN BEND CV # 9200 FOREST BEND CT # MEMPHIS TN 38018

FOREST BEND PROPERTIES LLC GERMANTOWN TN 38138

TERRAPIN MEMPHIS INVESTMENTS LLC 7060 RIVERDALE RD MEMPHIS TN 38125

HUNTS ESTATES LLC 7445 NORTHWIND CV # MEMPHIS TN 38125

MIM LLC PO BOX 488 HORN LAKE MS 38637 LIGHTMAN MICHAEL A 5100 POPLAR AVE #2602 MEMPHIS TN 38137

FEDERAL COMPANY THE DBA PO BOX 2020 # SPRINGDALE AR 72765

CHICK-FIL-A INC 5200 BUFFINGTON RD # ATLANTA GA 30349

MEMPHIS CITY OF 125 N MAIN ST # MEMPHIS TN 38103

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103

COUNTY OF SHELBY 160 N MAIN ST # MEMPHIS TN 38103

CTGI PROPERTIES LLC 6649 W VININGS CREEK CV # MEMPHIS TN 38119

SHELBY COUNTY 160 N MAIN ST # MEMPHIS TN 38103

SMITH TERRIKA L 1121 NOLAN LN # CORDOVA TN 38018

NEW DEVELOPMENT LLC 3264 W SARAZENS CIR # MEMPHIS TN 38125

JMK5 WINCHESTER LLC 308 W PARKWOOD AVE #104A FRIENDSWOOD TX 77546

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL **Planning & Development DIVISION** ONLY STAPLED | **TO DOCUMENTS** Planning & Zoning COMMITTEE: 1/10/2023 DATE **PUBLIC SESSION:** <u>1/10/2023</u> DATE ITEM (CHECK ONE) X REQUEST FOR PUBLIC HEARING Annual amendments to the Memphis and Shelby County Unified Development. The following item was heard **ITEM CAPTION:** by the Land Use Control Board and a recommendation made. (LUCB DATE: Nov. 10, 2022) ZTA 22-1 **CASE NUMBER:** LOCATION: City of Memphis and unincorporated Shelby County **COUNCIL DISTRICTS:** None **APPLICANT:** Brett Ragsdale, Zoning Administrator **REPRESENTATIVEs:** Brett Ragsdale, Zoning Administrator Adopt amendments to the Memphis and Shelby County Unified Development Code. **REQUEST: RECOMMENDATION:** Division of Planning and Development: Approval Land Use Control Board: Approval RECOMMENDED COUNCIL ACTION: Public Hearing Required Set date for first reading – January 10, 2023 Second reading - January 24, 2023 Third reading – February 7, 2023 Publication in a Newspaper of General Circulation Required PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 11/10/2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** PRINCIPAL PLANNER **DEPUTY DIRECTOR** 01/03/<u>2023</u>___ DIRECTOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN

NOTICE TO INTERESTED OWNERS OF PROPERTY (Zoning Text Amendment)

You will take notice that a public hearing will be held by the Memphis City Council in session in the City Council Chambers, 125 North Main Street, Memphis City Hall, First Floor., on **Monday, February 7, 2023, at 3:30 P.M.**, in the matter of granting an application for amendments to the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010 to revise and enhance the joint zoning and subdivision regulations as recommended by the Memphis and Shelby County Division of Planning & Development and the Land Use Control Board, applying to all unincorporated territory in Shelby County. Tennessee, by which it is sought to approve the following text amendments:

CASE NO.: ZTA 22-1

LOCATION: City of Memphis and Unincorporated Shelby County

APPLICANT: Division of Planning and Development

REQUEST: Under this proposal, the Memphis and Shelby County Unified Development Code will be amended to reflect the annual list of updates proposed by the Division of Planning and Development. To view these amendments, please visit the following website: http://www.shelbycountytn.gov/Blog.aspx?CID=7 or the Division of Planning and Development at 125 N. Main Street, Suite 468, Memphis, TN 38103.

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development:

Approval

Memphis and Shelby County Land Use Control Board:

Approval

NOW, THEREFORE, you will take notice that on **Monday, February 7, 2023, at 3:30 P.M.** the Memphis City Council will be in session at the City Council Chambers, Memphis City Hall First Floor, 125 North Main Street, Memphis, Tennessee, to hear remonstrance's or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

TO BE PUBLISHED, ______, in the Daily News. Please furnish Mr. Walter Person, Interim Comptroller, 125 North Main Street, Memphis, Tennessee, with 5 tear sheets.



Memphis City Council Summary Sheet

ZTA 22-1

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

- 1. Ordinance to approve a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development.
- 2. Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
- 3. This particular set of amendments will revise regulations regarding housing types allowed in certain zoning districts; include a new Transit Overlay District; revisions to Contextual Infill Standards; and other provisions of the Code.
- 4. The Memphis and Shelby County Land Use Control Board held a public hearing on **Nov. 10, 2022**, and approved the Text Amendment by a vote of 8 to 0.
- 5. No contracts are affected by this item.
- 6. No expenditure of funds/budget amendments are required by this item.

Joint Ordinance No.:	
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A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Zoning Administrator is one of the entities and individuals identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Zoning Administrator submitted his request to amend the Unified Development Code in such a way that would reflect amendments that will revise regulations regarding housing types

allowed in certain zoning districts; include a new Transit Overlay District; revisions to Contextual Infill Standards; and other provisions of the Code; and

- **WHEREAS,** The Unified Development Code should reflect the adoption of the amendments presented by the Zoning Administrator; and
- **WHEREAS,** The Memphis and Shelby County Land Use Control Board approved these amendments at its Nov.10, 2022, session;
- **NOW, THEREFORE, BE IT ORDAINED,** By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Ordinance Nos. 5367 and 397, are hereby amended as follows:
- **SECTION 1, CASE NO. ZTA 22-1.** That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.
- **SECTION 2.** That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.
- **SECTION 3.** That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.
- **SECTION 4.** That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.
- **BE IT FURTHER ORDAINED,** That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

Chai	
Cheyenne Johnson	
•	

APPENDIX A

(additions to the Code, as presently written, are indicated in **bold, underline**; deleted language is indicated in **bold strikethrough**.)

1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

In April 2022, the Division of Housing and Community Development and Division of Planning and Development published the Memphis and Shelby County Joint Housing Policy Plan. This plan provides an assessment of the existing housing stock in Memphis and Shelby County and provides key objectives that the City and County can act on to address housing challenges. The study finds the current housing market in Shelby County is not meeting the needs of large sections of the community. More specifically, the housing market does not support investment in the production or maintenance of quality housing in many neighborhoods throughout the county. The cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible. Further, the cost of significant home improvement is often greater than the value of the improvement, limiting the ability to maintain and improve existing housing. This leads to a cycle of underinvestment, decline, blight, and desertion that threatens entire neighborhoods.

The plan's main objectives are to improve housing quality, support homeownership, diversify housing stock, and increase quality low-income housing through funding, financing, land use regulations, land activation, and tax reform. The following proposals would address Housing Policy Plan Priority 3 to update land use regulations to permit more options for housing production and lower the cost of building new housing. If the City and County changes regulations to allow more housing diversity in more areas, it is expected to lead to new housing at lower price points for renters and owners. Cost of housing has become a local and national concern. This amendment aims to address the recommendation to reform land use regulations that will allow for new types of housing that are economically viable by reducing development costs and simplifying the entitlement process.

2.5.2, 3.6.1, 3.7.1 and 3.7.2: Permitted Housing Types and Bulk Regulations

This proposal would allow cottages by right in the R-6 district and allow townhouses by right in the RU-1 district. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "by-right" symbol, "■"). This proposal would also allow stacked townhouses and large homes in the RU-1 district, both by conditional use permit only. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "conditional use permit" symbol "C").

This proposal would also require changes in the R-6 table in Section 3.6.1:

Housing Types R-6 District	Conventional (w/ public water & decentralized sewer)	Conventional (w/ public water & public sewer)	Side Yard (w/ public water & public sewer)	Cottage (w/ public water & public sewer)
Tract or Lot (min) Area (sq. ft.)	6,000	6,000	6,000	<u>3,000</u>
Width (ft.)	45	45	45	30 min / 45 max
Building setback (min ft.) Front (without alley access) Front (with alley access) Side (interior alley/no alley) Side (total alley/no alley) Side (street) Rear	20 15 3.5/5 7/10 10 15	20 15 3.5/5 7/10 10 15	20 15 0 7/10 10 15	20* 15 3.5/5 7/10 10 15
Height (max ft.) Curb and Gutter required	40 Yes	40 Yes	40 Yes	<u>30</u> <u>Yes</u>

^{*}Cottages without alley access are limited to corner lots.

This proposal would also require changes to the RU-1 tables in Section 3.7.1 and 3.7.2 to include Townhouses, Large Homes and Stacked Townhouses. Table 3.7.2 also has changes to the bulk regulations for certain housing types in the RU-1, RU-2, and RU-3 Districts. More specifically, minimum lot size has been reduced for to 2,500 sq. ft. for cottages, 6,000 sq. ft. for two-family homes, and 8,000 sq. ft. for large homes in each district. Additionally, the lot minimum widths and maximum heights have been reduced in each district. RU-1 sees cottages now have a maximum height of 25 feet as opposed to the previous 30, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. RU-2 and RU-3 sees cottages now have a minimum width of 45 feet, rather than 50. Cottages in the RU-1, RU-2, and RU-3 districts are proposed to also have reduced side (interior) setbacks of 2.5 feet and side (total) setbacks of 5 feet.

3.7.1 Permitted Housing Types

Housing Type	RU-1	RU-2	RU-3	RU-4	RU-5
Conventional					
Side Yard House	-	•	-	-	
Cottage	•	•	-	•	
Semi-Attached Two-Family Townhouse	• •	•	•	:	 •
Large Home Stacked Townhouse Apartment	<u>C</u> <u>C</u> 	•	:	ŧ	i

■ = Permitted -- = not permitted <u>C = permitted by Conditional Use Permit</u>

3.7.2 Building Regulations for Permitted Housing Types

Housing Type	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	<u>Town-</u> <u>House¹</u>	<u>Large</u> <u>Home</u>	Stacked Townhouse 1
RU-1 District			_					
Tract or Lot (min)			<u>3,000</u>		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	4,000	3,000	8,000	<u>1,500</u>	8,000	<u>1,500</u>
Width (ft.)	45	45	30 35	30	<u>45</u> 50	20 20 45	<u>50</u>	20 20 45
Unit width (ft.)	<u>=</u>	<u>=</u>	<u>=</u>	==	=	<u>20</u>	=	<u>20</u>
Height (max ft.) see also 3.2.6	40	40	30	40	<u>40</u> 45	<u>45</u>	<u>45</u>	<u>45</u>
Building setback (min ft.)						=	<u>20</u>	=
Front (without alley access)	20	20	20	20	20	=	<u>15</u>	=
Front (with alley access)	15	15	15	15	15	<u>2-20</u>	=	2-20 5 10 10 20
Side (interior)	5	0	<u>3.</u> 5	5	5	<u>5</u>	<u>5</u>	<u>5</u>
Side (total)	10	10	<u>7 10</u>	5	10	<u>10</u>	<u>5</u> 10	<u>10</u>
Side (street)	10	10	10	10	10	<u>10</u>	10 20	<u>10</u>
Rear	20	20	20	20	20	2-20 5 10 10 20	<u>20</u>	<u>20</u>
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	<u>20%</u>	<u>20%</u>	<u>30%</u>

Housing Type	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- House ¹	Large Home	Stacked Townhouse ¹
RU-2 District			J					
Tract or Lot (min)			4,000		8,000		12,000	
Area (sq. ft.)	6,000	6,000	2,500	3,000	6,000	1,500	8,000	1,500
Width (ft.)	45	45	<u>25 35</u>	30	<u>45</u> 50	20	50	20
Unit width (ft.)						20		20
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45
Building setback (min ft.)								
Front (without alley access)	20	20		20	20		20	
Front (with alley access)	15	15	15	15	15		15	
Front (min/max)*						2-20		2-20
Required building frontage**						80%		80%
Side (interior)	5	0	<u>2.</u> 5	5	5	5	5	5
Side (total)	10	10	<u>5</u> 10	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	20%	20%	30%

Housing Type	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- house ¹	Large Home	Stacked Townhouse ¹	Apartment ¹
RU-3 District			<u> </u>						
Tract or Lot (min)			4,000		8,000		10,000		
Area (sq. ft.)	6,000	6,000	2,500	3,000	6,000	1,300	8,000	1,300	10,000
Width (ft.)	45	45	25 35	30	45 50	18	50	18	50
Unit width (ft.)						18		18	
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45	45
Building setback (min ft.)									
Front (without alley access)	20	20		20	20		20		
Front (with alley access)	15	15	15	15	15		15		
Front (min/max)*						2-20		2-20	2-20
Required building frontage**						80%		80%	50%
Side (interior)	5	0	<u>2.</u> 5	5	5	5	5	5	5
Side (total)	10	10	<u>5</u> 10		10	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	15	15
% of Housing Types									
More than 10 acres (max)	50%	50%	50%	60%	70%	80%	80%	80%	70%

2.7.2D: Accessory Dwelling Units

Currently, the regulations for accessory dwelling units are very restrictive. This proposal will alter the current regulations on accessory dwelling units to make them less limiting.

- 2.7.2D: Accessory dwelling units shall only be permitted as accessory to single-family detached dwellings that do not contain multiple dwelling units. No more than one accessory dwelling unit shall be permitted per lot. Accessory dwelling structures shall be subject to administrative site plan review as well as the standards of this Section.
 - 1. The living area of the accessory dwelling unit may not exceed the living area of the principal structure.
 - a. On residential lots of less than 10 6,000 square feet, no accessory dwelling units may be constructed. after March 11, 2014. No existing accessory dwelling units on lots of this size constructed prior to March 11, 2014, may be enlarged or expanded in size.
 - b. On residential lots of at least **10 6**,000 square feet but less than 1.5 acres, the total floor area of the accessory dwelling unit shall not exceed 700 square feet, or 1/3 of the **ground gross** floor area of the principal dwelling structure on the lot, whichever is **smaller greater**.
 - c. On residential lots of 1.5 acres or greater, the total floor area of the accessory dwelling unit shall not exceed 50% of the **ground gross** floor area of the principal dwelling structure on the lot.
 - One additional parking space on the same premises shall be required for each 500 square feet of an accessory dwelling unit, with a maximum number of three additional parking spaces if the accessory dwelling unit

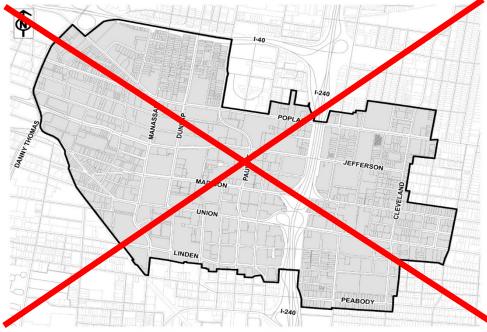
reduces the existing parking below what is required by underlying zoning. Said parking spaces shall be located in the side or rear yards or on the ground floor of the accessory dwelling structure.

- 3. An accessory dwelling shall not be located within the principal structure.
- 4. The height of a principal structure may not be exceeded by any accessory dwelling, except where required parking is provided on the ground floor of the accessory dwelling structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.
- 5. The accessory dwelling unit shall be architecturally consistent with the principal structure.
- 6. No windows besides clerestory windows shall be permitted along any portion of the walls of an accessory dwelling unit that is within 10 feet of an abutting parcel that is zoned single-family residential.

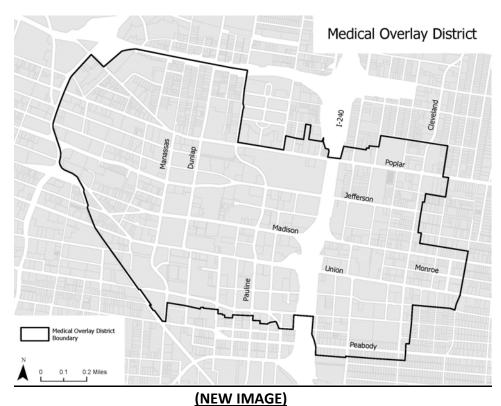
2. Transit Oriented Development Plan Recommendations

The Memphis Innovation Corridor Transit Oriented Development Plan envisions increased density around Bus Rapid Transit (BRT) stations, making it possible for surrounding residents to access daily needs with less dependency on personal vehicles. In 2014, the Memphis Area Transit Authority (MATA) identified the 8-mile route from Downtown to the University of Memphis as the first route for BRT and in 2016 BRT was adopted as the preferred highcapacity transit service and the route identified became known as the Memphis Innovation Corridor. A transit vision study in 2017 and 2018 recommended short-term and long-term network changes to increase frequency of service. The corridor was broken into six sub areas and existing land use conditions and development opportunities were explored for each sub area. The Station Area Concept Plan for each sub area identifies potential future land uses and developments based on the station typology, market potential, and planned future developments. Zoning along the Memphis Innovation Corridor varies significantly along the length of the corridor. While residential and commercial mixed-use zoning districts are the most widespread, almost all districts identified in the Unified Development Code are represented within a quarter of a mile of the corridor. This creates challenges when implementing preferred TOD standards due to the differences in setbacks, height maximums, and other building requirements set out in each of the different zoning districts. In order to address these challenges, a Transit Overlay District is proposed to address these inconsistencies and create a more cohesive corridor. Also proposed are changes to the frontage maps in the Medical District and Midtown District for areas that run along the BRT route.

8.2.2 Medical Overlay District Boundary Map:



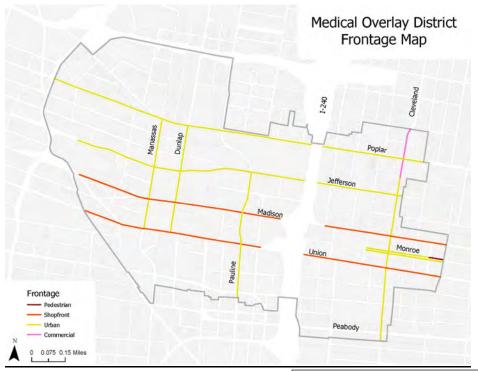
Medical Overlay District (-MO)



(IAFAA IIAIW

8.2.5B Medical Overlay District Frontage Map:

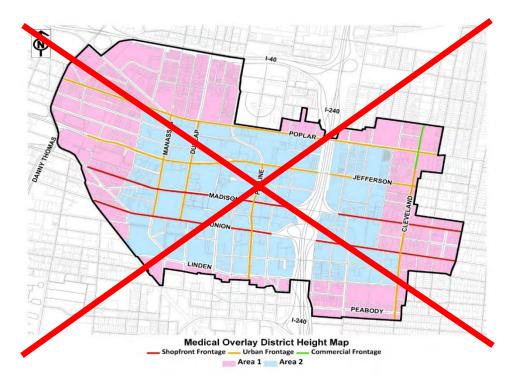


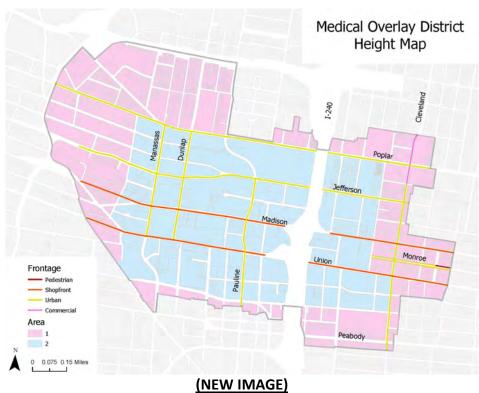


(NEW IMAGE)

Note: Frontages have been added to Monroe Ave, east of I240.

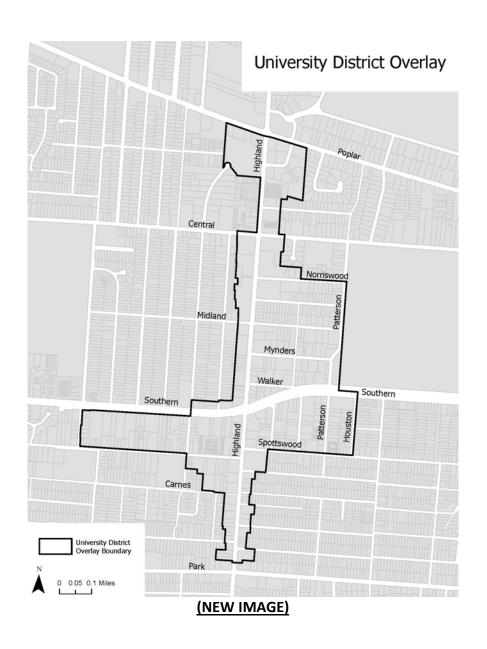
8.2.6 Medical Overlay District Height Map:





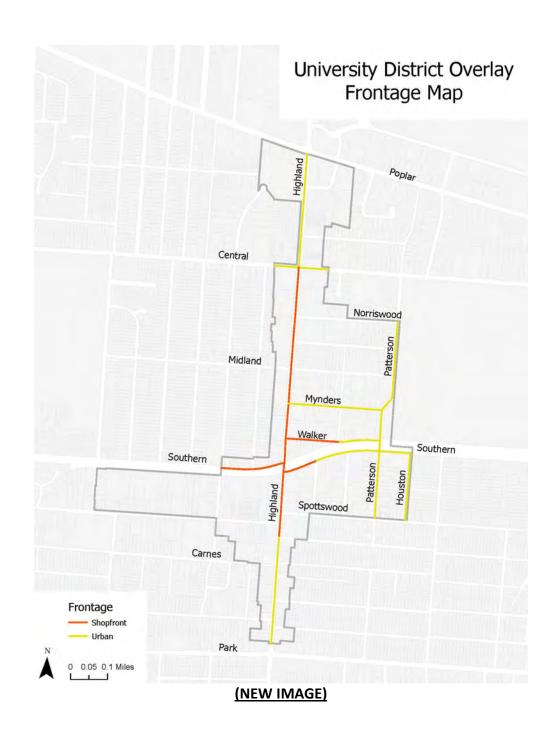
8.3.6B University District Boundary Map:





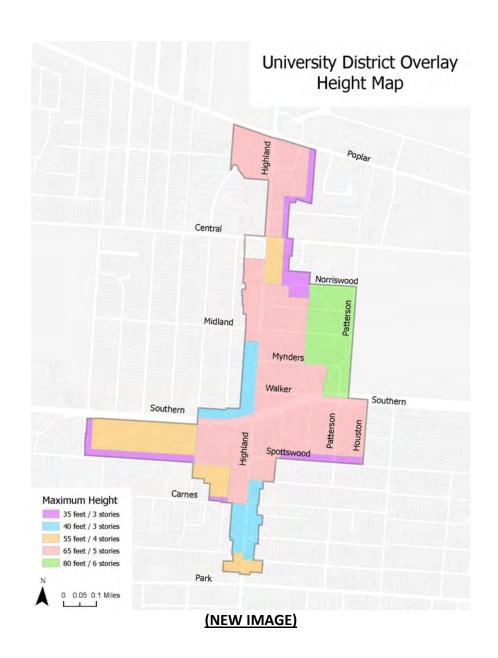
8.3.6C University District Frontage Map:



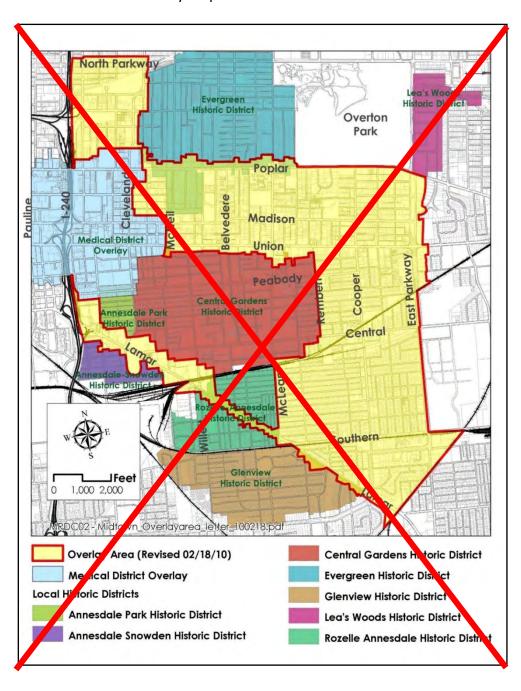


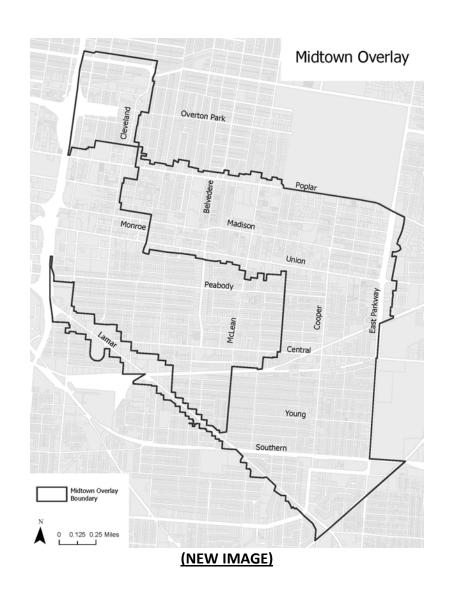
8.3.7 University District Height Map:

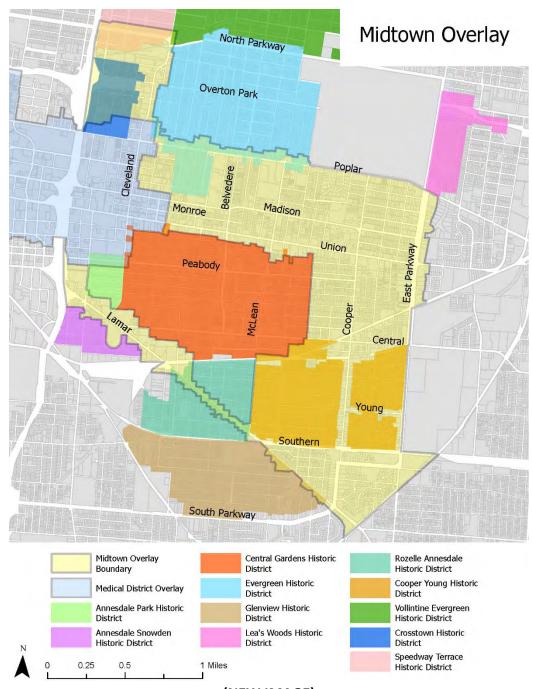




8.4.8A Midtown District Boundary Map



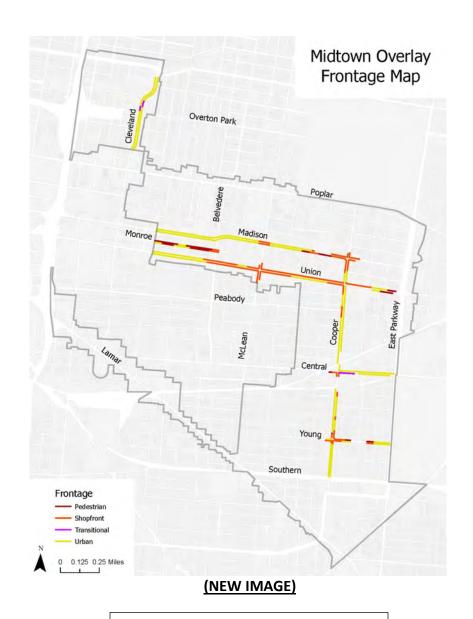




(NEW IMAGE)

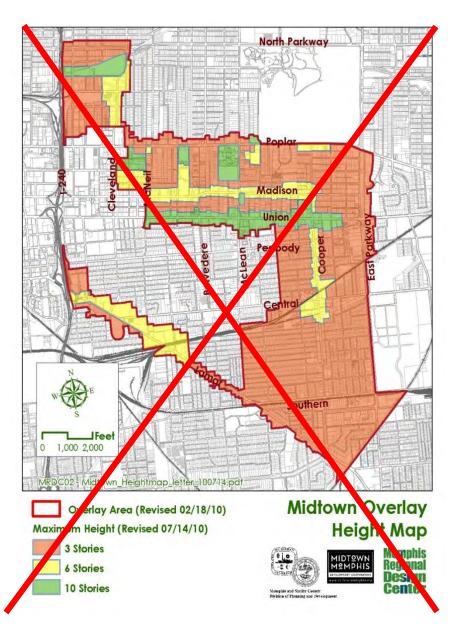
8.4.8B Midtown District Frontage Map:

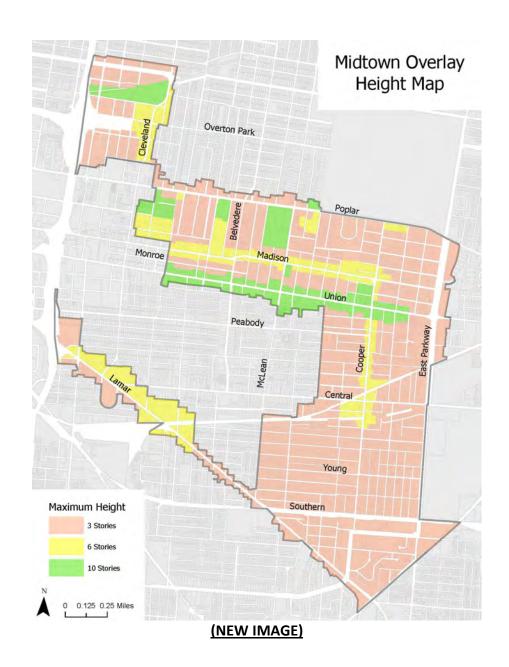




Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





8.13 Transit Overlay District

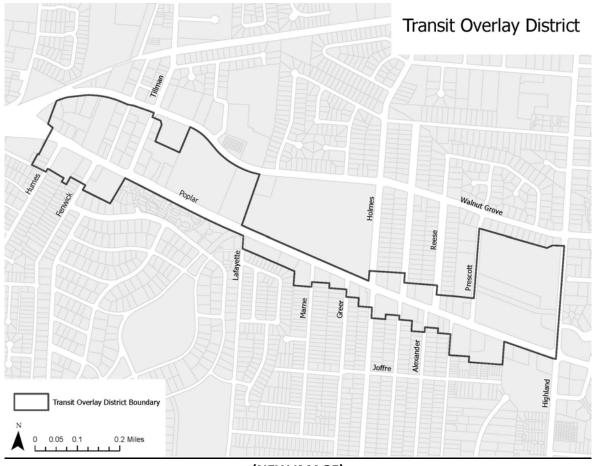
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

Article 2. Purpose

The purpose of this Chapter is to provide standards that support transit-oriented development in locations of the city where there is existing or planned high frequency transit service, such as bus rapid transit (BRT). These areas are intended to be mixed-use and urban and sustain an accessible shopfront corridor. The district's emphasis on pedestrian-oriented land use will complement the planning goals of high frequency transit, enhancing community character and quality of life. This Chapter is intended to serve as a guide to assist property owners, developers, architects, builders, business owners, public officials, and other interested citizens when considering rehabilitation, redevelopment or new construction in transit-oriented development areas.

Article 3. <u>Boundaries</u>

Boundaries of the Transit Overlay District(s):



(NEW IMAGE)

Article 4. Applicability

Within the Transit Overlay District, the use and sign standards of this Chapter shall apply to all land. All other standards shall apply to:

- A. All new building construction.
- B. <u>All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.</u>
- C. Any site not subject to this chapter's non-use standards per the above provisions, but which does not conform to its underlying zoning district, shall be governed by Article 10.

Article 5. Administration

A. Site Plan Approval

- 1. The Zoning Administrator is authorized to approve site plans within the Transit Overlay District in accordance with Chapter 9.13.
- 2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.
- 3. Any planned development or use requiring a special use permit shall be subject to site plan review.

B. Administrative Deviations

The Zoning Administrator is authorized to approve administrative deviations in accordance with Chapter 9.21. The Zoning Administrator is also authorized to approve administrative deviations from any platted front setback, provided that the setbacks of this overlay district are maintained.

C. Special Exceptions

The Land Use Control Board is authorized to approve special exceptions to any height and parking standards found within this Chapter in accordance with Chapter 9.14.

Article 6. Uses

<u>Uses shall be permitted in accordance with Section 2.5.2, unless modified by this Chapter's use table, which shall apply to all nonresidential zoning districts.</u>

<u>Transit Overlay District Use Table</u>			
Uses	<u>Permitted</u>	Not	Special Use
		<u>Permitted</u>	<u>Approval</u>
Multifamily (Large Home, Stacked Townhouse,	<u>x</u>		
Apartment)			
All commercial parking		<u>X</u>	
Restaurants, drive-in or drive-thru			<u>X</u>
All other drive-thru uses, non-restaurant			<u>X</u>

Convenience stores with gas pumps, gas	<u>X</u>	
station, commercial electric vehicle charging		
station		
Payday loan, title loan, and flexible loan plan	<u>X</u>	
<u>establishments</u>		
Pawnshop	<u>X</u>	
Vehicle parts and accessories		<u>X</u>
All self-service storage	<u>X</u>	
All vehicle service (including vehicle wash	<u>X</u>	
establishment)		
All vehicle repair	<u>X</u>	
All vehicle sales, rental, leasing	<u>X</u>	
All warehouse and distribution	<u>X</u>	

Article 7. Building Envelope Standards

The Urban frontage standards of Section 3.10.3 shall supersede the building envelope standards of all nonresidential zoning districts. Where that section and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

Article 8. General Development Standards

A. Applicability

The following general development standards shall supplement underlying standards in all nonresidential districts within the Transit Overlay District.

1. Fences and walls shall not be constructed in any clear sight triangle.

B. Parking

1. A development must provide a minimum of 75% and a maximum of 110% of the number of parking spaces that would be required by Sub-Section 4.5.3B, taking into account any available parking reduction allowances per Sub-Section 4.5.3E.

C. Signage

- 1. Signs should incorporate high quality materials (such as neon, hand painting, some metals, or well-crafted wood), exterior lighting, unique shapes, and outstanding graphic composition. Signs should be scaled to fit their context, complement the principal structure, and not obstruct architectural details.

 2. Plastic signage shall be prohibited.
- 3. Text on signs shall be limited to the name of the establishment only.
- 4. Pole signs and similar sign types shall be prohibited.

5. Where Chapter 4.9 and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

D. Multi-modal Connectivity

<u>Development shall foster a walkable and bicycle-friendly environment that is designed</u> to be safe, comfortable, and functional.

1. Pedestrian Connectivity

A. Robust pedestrian facilities shall be provided in accordance with Sub-Section 4.5.5M. Developers shall be encouraged to utilize unique pavers or other such like materials, where appropriate to demarcate pedestrian facilities.

B. Any development that has a property line within 300 feet of the edge of an existing or proposed transit station or shelter shall repair and/or replace sidewalk – whether or not adjacent to the subject property – as needed to provide a path between the development and the station or shelter that conforms with local and federal sidewalk standards.

C. Pedestrian-scale lighting shall be provided along pedestrian facilities, where appropriate. The Zoning Administrator may require a lighting plan during site plan review.

2. Bicycle Parking

- A. Bicycle parking shall be provided in accordance with Sub-Section 4.5.3C, except as modified below.
 - 1. Multifamily residential uses within nonresidential zoning districts shall provide a minimum of 1 bicycle parking space per 4 dwelling units. All fractions shall round up to the next whole number.
 - 2. Between 70% and 80% of the minimum number of bicycle parking spaces for multifamily residential and office uses shall be designated as "limited-access bicycle parking." Up to 20% of the minimum number of bicycle parking spaces for other uses may be provided as limited-access parking. Limited-access bicycle parking shall meet the following standards.
 - a. Limited-access bicycle parking may be provided in the following locations: within the building, co-located with off-street automobile parking (such as within a parking garage), or elsewhere subject to administrative approval.

 b. Limited-access bicycle parking shall be limited-access, well-lit, and protected from the elements.
 - c. An unobstructed path shall be maintained between the building entrance and any indoor, limited-access bicycle parking.
 - d. Limited-access bicycle parking within a parking lot or

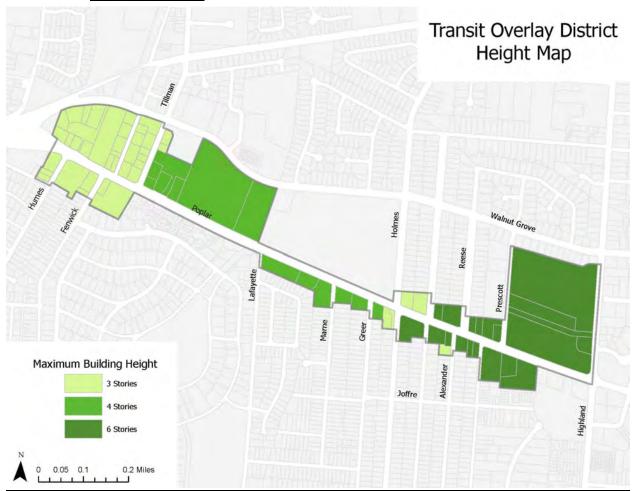
parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.

3. Bicycle parking that is not designated as "limited access bicycle parking" shall be considered "general access bicycle parking." Such parking shall be publicly accessible, and within a well-lit and highly trafficked location. Such parking shall be clearly visible from the principal building entrance, or else signage shall be posted that indicates its location. Special consideration shall be given to sidewalk accessibility standards when placing bicycle parking within the right-of-way.

E. Streetscape Standards

<u>Underlying streetscaping standards shall apply, with the exception that the minimum</u> sidewalk width shall be 6 feet.

Article 9. Height Standards



(NEW IMAGE)

3. 1.9D: Language change

The following plans **shall may** be considered in any decisions under this development code.

4. 2.2.3C, 2.3.4 and 2.3.6: Mixed Use Districts

This proposal would add the Mixed Use (MU) district as Sub-Section 2.2.3C and would reconfigure the list to push Commercial Mixed Use (CMU-) districts from Sub-Section 2.2.3C to become Sub-Section 2.2.3D. This proposal would also add the Mixed Use (MU) district to the list of Mixed Use Districts in Section 2.3.4 and Non-Residential Districts in Section 2.3.6.

2.2.3C:

C. Mixed Use (MU)

The MU District is intended to accommodate physically integrated uses. Permitted land use types include commercial, townhouses, apartments, and institutions. The ideal model consists of building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors.

C. D. Commercial Mixed Use (CMU-)

5. 2.3.2: Single-Family Districts

Currently, the Residential Urban -1 (RU-1) district is not included in the single-family district grouping, even though its permitted residential uses are all single-family. This proposal would create Sub-Section 2.3.2H: 'Residential Urban -1' to provide additional protections in this zoning district in certain situations.

6. 2.4.2: Zoning Map

Currently, the divestiture of a parcel of land is not covered under Section 2.4. This proposal would add deannexed land as Sub-Section 2.4.2B and would mirror the foregoing current Section 2.4.2 "Omitted Land" (proposed Sub-Section 2.4.2A) which requires such land to be zoned as Conservation Agriculture (CA) District.

2.4.2: Omitted Land

<u>A.</u> It is the intent of this development code that the entire area of the City of Memphis and Shelby County, except any incorporated territory outside the Memphis City limits, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this development code. Any area not shown on the Zoning Map as being included in any such district shall be classified in the CA District.

B. It is the intent of this development code that any deannexed land from the municipalities of Arlington, Bartlett, Collierville, Lakeland, or Millington or any State or Federal property divestiture outside of an incorporated municipality of Shelby County be classified as Conservation Agriculture (CA) district by default unless an application has been made and approved by the appropriate governing body of a higher classification prior to such deannexation.

7. 2.6.3J(2)(d)(iii): Convenience Stores with Gas Pumps, missing reference:

Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

8. 2.6.3J(2)(d)(i) and 7.2.5B(2): Misspelling of complementary

2.6.3J(2)(d)(i): Establishments permitted by right

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be **complimentary** complementary to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

7.2.5B(2): Land Use Objectives

To include a variety of land uses that are compatible with the existing buildings and **complimentary** to the unique architectural characteristics of the Loft Residential Area.

9. 2.6.3Q(1) and 9.2.2: Outdated Terminology

This proposal would update the use of outdated terminology of "Director of Planning" to the current title of "Zoning Administrator" and from "Office of Planning and Development (OPD)" to "Division of Planning and Development (DPD)".

2.6.3Q(1):

Due to the positive community relationships that are attributable to neighborhood-based farmers markets as evidenced in Memphis, Shelby County and throughout the nation, and due to the general decline in civic involvement that has occurred specifically in Memphis and Shelby County over the course of time, farmers markets shall be permitted by right in certain zoning districts as delineated in the Use Table, Section 2.5.2, if operated by a neighborhood-based, not-for-profit, entity such as a civic organization, neighborhood or homeowners association, Community Development Corporation or similar

<u>Zoning Administrator</u>. Any farmers market that does not adhere to the provisions of this Sub-Section shall require a Special Use Permit.

9.2.2:

The second footnote in Section 9.2.2 refers to the outdated acronym for the Office of Planning and Development, OPD. This proposal would change this to refer to the current acronym for the updated division title, Division of Planning and Development or "DPD".

10. 2.6.3S: Inconsistency

Currently, smoke shop locational standards apply only to schools and parks, per this Sub-Section. Elsewhere in the code, locational standards are more stringent, extending to places of worship and day care facilities also. This proposal would have the more stringent locational standard applied to smoke shops to be consistent with the rest of the code.

2.6.3S:

Smoke shops not covered by an exception below shall be located no closer than 1320 feet from any school, place of worship, day care facility or park, as measured from the parcel that contains the smoke shop and the parcel that contains the school, place of worship, day care facility or park.

11. 2.6.3U: Truck Stop and Tractor-Trailer

This proposal would help to clarify the definitions of Truck Stop and Tractor-Trailor by referencing the applicable definitions section of the UDC.

2.6.3U:

Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a). See Section 12.3.1 for the definitions of Truck Stop and Tractor-Trailer.

12. 2.6.4D(3), 4.5.5D(2)(b), 5.5.5B(3), 6.5.1F, 7.2.9D(5), 8.4.4E(4), 8.6.2A(3), 8.12.7F, 9.6.9G, 9.6.12E(3)(b), 9.6.12C(3), 9.12.4B(1), 9.13.5F, 9.13.7B(1), and 9.24.6G: Misspelling of "ensure"

2.6.4D(3)

Prior to the commencement of landfill operations, the applicant for the special use permit shall submit to the building official a primary reclamation performance bond in the amount of \$3,500 per acre for each acre to be excavated, less the amount of bond held by the state, increasing \$100 per acre per year from the date of adoption of this Article, for landfill operations to insure ensure that the land shall be restored, regraded and resloped as provided in this section when such operations cease. Said bond shall not be released until the work it secures is completed or a substitute serial bond is received by the appropriate government official which shall secure all remaining work under the original bond and all bonds submitted pursuant to this section and shall so state. Such primary reclamation performance bond may be on a serialized basis in five year increments. Such primary reclamation performance bond shall be released after primary reclamation activities are complete and the condition, grade and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of not to exceed 60% of said primary reclamation bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.

4.5.5.D(2)(b).

If seeking preservation credits for an existing tree located in an interior island, terminal island, or perimeter island then such island must provide a nonpaved area no nearer than three feet inside the tree dripline but no less than ten feet from the centerline of the tree or a distance of nine times the diameter of the trunk (DBH) in feet, whichever is less, or as may be required to **insure ensure** the survival of the preserved tree, subject to the approval of the Zoning Administrator.

5.5.5B(3)

If a security has been provided to **insure ensure** performance of the improvements specified under the contract and the security is inadequate to cover the cost of said uncompleted improvements at the time the extension is sought, the applicant shall provide additional security to cover current cost projections as made by the City or County.

6.5.1F

Prior to the commencement of sand, gravel or other extraction operations, the applicant for the special use permit shall submit to the Building Official a performance bond in the amount of \$3,500 per acre, increasing \$100 per acre per year from the date of

adoption of this Article, for each acre proposed to be used for sand, gravel or other extraction operations to insure ensure that the land shall be restored, re-graded and re-sloped as provided in this Chapter when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of such bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation. 5The Division of Planning and Development and Land Use Control Board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID. The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this Chapter. To insure ensure compatibility and to create an aesthetic atmosphere within a Historic Overlay District; The governing body may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with
surrounding properties, uses, and the purpose and intent of this
development code. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with
surrounding properties, uses, and the purpose and intent of this
development code. The Zoning Administrator may include conditions to insure ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
The Zoning Administrator may include conditions to insure ensure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.
1The proposed development shall be reviewed to insure ensure compliance with the requirements of the development code

7.2.9D(5)

8.4.4E(4)

8.6.2A(3)

8.12.7F

9.6.9G

9.6.12E(3)(b)

9.6.12C(3)

9.12.4B(1)

including any dedications or improvements required under Article 5.

9.13.5F The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to **insure ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the

district.

9.13.7B(1) The proposed development shall be reviewed to <u>insure ensure</u> compliance with the requirements of the development code including any dedications or improvements required under Article

5.

9.24.6G The Board of Adjustment may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

13. 2.7.2B: Height restrictions on accessory structures in the CA district and formatting inconsistency.

This proposal will reduce the height restrictions on accessory structures in the CA district. In this Sub-Section, there is no Paragraph 2.7.2B(1), although there are paragraphs (2) and (3). The problem with this is that 2.7.2B(3) refers to the nonexistent paragraph (1). Therefore, this proposal will also update the numbering of paragraphs (2) and (3), so that (2) becomes (1), and (3) becomes (2). This proposal will also delete the phrase 'not including any exceptions articulated in Paragraph 2.7.2B(1)' from the latter paragraph, as its intent is unknown, and the standard is already clear.

- In Relation to the Principal Structure. Except as provided in Sub-Sections 2.6.2H, 2.6.2I, 3.2.6A and Section 2.7.9, the height of an accessory structure shall not exceed the height of the principal structure, except for in the CA district, where the accessory structure shall not exceed 1.5 times the height of the principal structure.
- 2. Height and Setback. Accessory structures shall be at least five feet from the side and rear property lines. Any portion of an accessory structure over 20 feet in height shall be located at least 20 feet from all side and rear property lines that do not abut an alley. For the purpose of this paragraph, height shall be measured from the highest point of the accessory structure, not including any exceptions articulated in Paragraph 2.7.2B(1).

14. 2.9.2A: Household Living

This proposal changed the language of the first footnote to make it less restrictive.

Principal Uses	Accessory Uses
Single-Family Detached	Accessory dwelling unit (see Sub-Section 2.7.2D)*
Conventional	Apiary (see Section 2.7.12)
Side Yard House	Chickens (see Section 2.7.11)*
Cottage	Dish antenna under one meter
Single-Family Attached	Gardening
Semi-attached	Home occupation (see Section 2.7.4)
Two-Family	Private community center**
Townhouse	Detached garage, barbecue pit, carport, tool or
Multifamily	garden shed, storage unit, swimming pool,
Large Home	outdoor kitchen, pool house
Stacked Townhouse	Off-street parking
Apartment	On premise residential leasing office
Upper-Story Residential	Solar (photovoltaic) panels
Live/Work	Building-mounted wind energy system
Manufactured, Modular Home	Electric vehicle charging unit
Mobile Home	Leasing/Management Office
Manufactured Home Park	

15. 2.9.4F: Commercial Parking

This proposal would add "parking garage" to the list of types of "commercial parking" and clarify that tractor-trailer parking is not included as a type of "commercial parking".

^{**} These may be included in common areas of subdivisions, not as accessory structures on single-family lots.

2.9.4F: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged (tractor-trailer parking not included).

Principal Uses	Accessory Uses
Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility (truck and motor freight trailer parking not included) Park-and-ride facility Motor vehicle parking lot Surface parking lot Parking garage	Structure intended to shield parking attendants from the weather Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit

16. 2.9.4H: Retail Sales and Service

This proposal would add "truck stop" to the list of principal uses of "Retail Sales and Service".

Principal Uses	Accessory Uses
Sales-Oriented Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, ammunition, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, firearms, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, videos, and related products Art or photo studio, gallery Convenience store with gas pumps, gas station, electronic vehicle service station Convenience store without gas pumps Consignment store Greenhouse or nursery, commercial, garden center Pawnshop Payday loans, title loan establishments Photo finishing pickup station, photo finishing by computer and retail sales Retail Sales Outdoor (vendor), Flea Market, Farmers Market, Farm Stand, Open Air Market, Vehicle parts and accessories, Wholesale club Service-Oriented Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care	Artisan manufacturing Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area Gardening Off-street parking On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit

Dance, martial arts, music studio or classroom, personal trainer or gym

Catering establishment, small-scale

Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station

Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop

Quick-sign service, printing and publishing

Post office, Taxidermist

Tattoo shop, palmist, psychic, medium **Truck stop**, Tractor-trailers (fueling of)

Wedding chapel

Repair-Oriented

Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer, locksmith

17. 3.2.9E(4)(b): Grammatical error

Covered, unenclosed porches attached to the principal structure may encroach a maximum of eight feet into—a—required front, rear and side setbacks, provided a five-foot separation is maintained between the porch and property line.

18. 3.9.1C: Garage and Carport Placement

This proposal would clarify when a street facing garage and carport would be allowed through specific language of "when allowed per Section 3.9.2" as opposed to "when provided".

3.9.1C: Street-facing garages and carports, when provided allowed per Section
3.9.2 must be positioned as set forth below, however, carports may not be permitted in the carriage court form.

19. 3.9.2: Contextual Infill Standards & 8.10.5 Special Development Standards

This proposal will simplify the contextual infill standards to include all residential site less than two-acres in size and in the area identified on the map. This proposal will also update the setback requirements for corner lots and lots "where the calculation of a range of setbacks is not practicable", as well as updating the requirements for street-facing garages to be only allowed if an alley is not present and more than, rather than "at least", half of the structures on the same block face have street facing garages or carports.

3.9.2B: 1. The contextual infill development standards shall be used on any residential site <u>less than two acres and within the area identified on the map below that meets the following conditions:</u>

a. For sites within an existing subdivision or planned development, no front setbacks are indicated on the plat or plan, b. The site is less than two acres in size.

c. The site is within the area identified on the map below; and d. The site is abutted on two or more sides by parcels containing existing—single-family—detached—or—single-family—attached dwellings that were built on lots platted or established by deed before 1950 in a residential zoning district. For the purpose of this Item, the term "abut" shall include parcels directly across any street from the site.

3.9.2E: Structures shall be located within the range of front setbacks on the street. This range of setbacks is measured on the basis of the four lots surrounding the project site (the two closest lots in either direction along the street). The new structure shall be located within the range of setbacks (no closer than the narrowest setback, no further than the deepest setback). Where a setback in these four lots is significantly out of the range of setbacks along the street, it may be eliminated from the range. Instances where the subject lot(s) is on or within two lots of a corner, the setback shall align with the nearest adjacent lot(s). Where the calculation of a range of setbacks is not practicable, such as instances where Instances where the are no adjacent lots with existing structures the subject lot(s) is on or within two lots of a corner, the structure shall be located a minimum of 20 feet from the front property line.

3.9.2H: Street-facing garages and carports may be allowed if an alley is not present and at least more than half of the structures on the same block face feature street-facing garages or carports. In these instances, the garage or carport placement must meet the standards of Section 3.9.1. In all other instances, street-facing garages and carports are only permitted if they are located at least 100 feet from the right-of-way and at least 50 feet behind the front façade of the structure.

20. 4.4.7A: Clear Sight Triangle

The three tables in Sub-Section 4.4.7A do not address streets with speed limits over 40 milesper-hour. This proposal will change the tables to address these streets, as well as changing the "unposted" value to be the same as "20-25 MPH" instead of the current "30 MPH".

ONE APPROACHING TRAFFIC LANE ON THROUGH STREET

Intersection	Type of Sign Controlling	Posted Speed				
Minor Street Controlled by Stop Sign	Intersection	of Through Street		Length of	Side in Feet	
Minor Street Controlled by Stop Sign				S	ides	
Minor Street Controlled by Stop Sign Unposted or 30 MPH 35 MPH 14' 250' 14' 160' 160' 140 MPH 14' 275' 14' 180' Minor Street Controlled by Yield Sign Unposted or 20-25 MPH 24' 190' 24' 140' 180' 24' 280' 24' 205' 40 MPH 24' 280' 24' 205' 40 MPH 24' 320' 24' 240' TWO APPROACHING TRAFFIC LANES ON THROUGH STREET Type of Sign Controlling Intersection Posted Speed of Through Street Length of Side In Feet Sides A − B A − C D − E D − F Unposted or 20-25 MPH 13' 175' 14' 75' 14' 90' 14' 90' 14' 90' 14' 90' 14' 110' 125' 14' 125' 14' 90' 14' 110' 125' 14' 125' 14' 125' Minor Street Controlled by Yield Sign Unposted or 20-25 MPH 14' 250' 14' 125' 14' 12			A – B	A – C	D – E	D – F
Minor Street Controlled by Yield Sign 35 MPH 14' 250' 14' 160' 180' 140' 140' 180' 14		Unposted or 20-25 MPH	13′	175′	14′	105′
Minor Street Controlled by Yield Sign 14' 180' 180'	Minor Stroot Controlled by Ston Sign	Unposted or 30 MPH	14′	200′	14′	130′
Minor Street Controlled by Yield Sign Minor Street Controlled by Yield Sign 30 MPH 24' 230' 24' 170' 35 MPH 24' 280' 24' 205' 240' 205' 40± MPH 24' 320' 24' 240	Willion Street Controlled by Stop Sign	35 MPH	14′	250′	14′	160′
Minor Street Controlled by Yield Sign 30 MPH 24' 230' 24' 205' 240' 205' 240' 205' 240' 205' 240' 205' 240' 205' 240' 205' 240' 205' 240' 205' 240' 24		40 <u>+</u> MPH	14′	275′	14′	180′
Minor Street Controlled by Yield Sign 30 MPH 35 MPH 24' 280' 240' 280' 24' 280' 24' 280' 24' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240' 240'		Unposted or 20-25 MPH	24′	190′	24′	140′
TWO APPROACHING TRAFFIC LANES ON THROUGH STREET Type of Sign Controlling	Minor Stroot Controlled by Viold Sign		24′	230′	24′	170′
TWO APPROACHING TRAFFIC LANES ON THROUGH STREET Type of Sign Controlling Intersection	Willion Street Controlled by Field Sign	35 MPH	24′	280′	24′	205′
Posted Speed Speed		40 <u>+</u> MPH	24′	320′	24′	240′
Posted Speed Speed						
Intersection Of Through Street Length of Side In Feet Sides Name Sides A - B A - C D - E D - F Minor Street Controlled by Stop Sign Unposted or 20-25 MPH 13' 175' 14' 90' 35 MPH 14' 250' 14' 110' 40± MPH 14' 275' 14' 125' 105' 105' 30 MPH 24' 190' 24' 105' 105' 30 MPH 24' 230' 24' 130' 35 MPH 24' 280' 24' 130' 40± MPH 24' 280' 24' 130' 180'	TWO APP	PROACHING TRAFFIC LANES (ON THROUGH	H STREET		
Minor Street Controlled by Stop Sign Unposted or 20-25 MPH 13' 175' 14' 75' 14' 75' 14' 75' 14' 75' 14' 110' 140± MPH 14' 250' 14' 110' 125' 140± MPH 14' 275' 14' 125' 140± MPH 14' 275' 14' 125' 15'						
Minor Street Controlled by Stop Sign	Intersection	of Through Street				
Minor Street Controlled by Stop Sign Unposted or 20-25 MPH Unposted or 30 MPH 35 MPH 14' 200' 14' 90' 14' 110' 40± MPH 14' 250' 14' 110' 125' Minor Street Controlled by Yield Sign Unposted or 20-25 MPH 24' 190' 24' 105' 30 MPH 24' 230' 24' 130' 35 MPH 24' 280' 24' 130' 40± MPH 24' 320' 24' 180' Fosted Speed of Through Street Length of Side In Feet Sides A - B and D - E A - C and D - F Unposted or 20-25 MPH 13' 175' 175' 175' 175' 185' 199 Unposted or 30 MPH 14' 200' 35 MPH 14' 255' 175' 175' 185' 199 Unposted or 20-25 MPH 14' 200' 35 MPH 14' 200'						
Minor Street Controlled by Stop Sign Unposted or 30 MPH 35 MPH 14' 200' 14' 90' 110' 110' 110' 110' 125' Minor Street Controlled by Yield Sign Unposted or 20-25 MPH 24' 190' 24' 105' 30 MPH 24' 230' 24' 130' 35 MPH 24' 280' 24' 130' 40± MPH 24' 320' 24' 180' Posted Speed of Through Street Length of Side In Feet Sides A - B and D - E A - C and D - F Unposted or 30 MPH 35 MPH 14' 250' A0± MPH 14' 250' 40± MPH 14' 275' Unposted or 30 MPH 14' 250' 40± MPH 14' 275' Unposted or 20-25 MPH 14' 250' 40± MPH 14' 275' Unposted or 30 MPH 14' 250' 40± MPH 14' 250' Unposted or 30 MPH 14' 250' 40± MPH 14' 250' Unposted or 30 MPH 14' 250' 40± MPH 14' 250' Unposted or 30 MPH 14' 250' 40± MPH 14' 250' Unposted or 30 MPH 14' 250'						
Numor Street Controlled by Stop Sign 35 MPH 14' 250' 14' 110' 110' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 14' 125' 125' 125' 14' 125' 125' 14' 125' 125' 125' 14' 125' 125' 14' 125'						
Minor Street Controlled by Yield Sign	Minor Street Controlled by Ston Sign					
Minor Street Controlled by Yield Sign Unposted or 20-25 MPH 30 MPH 24' 230' 24' 130' 35 MPH 24' 280' 24' 130' 35 MPH 24' 320' 24' 180' Posted Speed of Through Street Length of Side In Feet Sides A - B and D - E A - C and D - F Unposted or 20-25 MPH 35 MPH 35 MPH 40± MPH 14' 250' 40± MPH 14' 275' 175' 250' 40± MPH 14' 275' Street 2 Unposted or 30 MPH 14' 200' 35 MPH 14' 275' Unposted or 30 MPH 14' 200' 35 MPH 14' 200'	Willion Street Controlled by Stop Sign					
Minor Street Controlled by Yield Sign 30 MPH 24' 230' 24' 130' 130' 40± MPH 24' 320' 24' 180' 1						
Number Street Controlled by Yield Sign 35 MPH 24' 280' 24' 130' 180'						
Posted Speed Sides Sides A - B and D - E A - C and D - F	Minor Street Controlled by Yield Sign					
Posted Speed Length of Side In Feet	e. e. ee ee ee ee ee ee ee ee ee					
Intersecting Streets of Through Street Length of Side In Feet Sides A - B and D - E A - C and D - F Unposted or 20-25 MPH 13' 175' Unposted or 30 MPH 14' 200' 35 MPH 14' 250' 40± MPH 14' 275' Unposted or 20-25 MPH 13' 175' Unposted or 20-25 MPH 13' 175' Unposted or 30 MPH 14' 200' 35 MPH 14' 250'		40 <u>+</u> MPH	24'	320′	24′	180′
Intersecting Streets of Through Street Length of Side In Feet Sides A - B and D - E A - C and D - F Unposted or 20-25 MPH 13' 175' Unposted or 30 MPH 14' 200' 35 MPH 14' 250' 40± MPH 14' 275' Unposted or 20-25 MPH 13' 175' Unposted or 20-25 MPH 13' 175' Unposted or 30 MPH 14' 200' 35 MPH 14' 250'		Posted Speed				
A - B and D - E A - C and D - F Unposted or 20-25 MPH 13' 175' Unposted or 30 MPH 14' 200' 35 MPH 14' 250' 40± MPH 14' 275' Unposted or 20-25 MPH 13' 175' Unposted or 30 MPH 14' 200' 35 MPH 14' 250'	Intersecting Streets			Length of	Side In Feet	
Street 1 Unposted or 20-25 MPH Unposted or 30 MPH 31 MPH 14 MPH 15 MPH 15 MPH 15 MPH 16 MPH 16 MPH 16 MPH 16 MPH 17 MPH 17 MPH 17 MPH 17 MPH 18 M		-	Sides			
Street 1 Unposted or 30 MPH 35 MPH 14' 250' 40± MPH 14' 275' 40± MPH 14' 275' Unposted or 20-25 MPH 13' 175' 200' 35 MPH 14' 200' 35 MPH 14' 250'						
Street 1 35 MPH 40± MPH 40± MPH 14' 14' 250' 275' Unposted or 20-25 MPH 5treet 2 Unposted or 30 MPH 14' 200' 250'						
Street 2 35 MPH 14' 250' 40± MPH 14' 275' 175' 250' 275' 275' 275' 275' 275' 275' 275' 275	Street 1					
Unposted or 20-25 MPH 13' 175' Street 2 Unposted or 30 MPH 14' 200' 35 MPH 14' 250'						
Street 2 Unposted or 30 MPH 14' 200' 35 MPH 14' 250'						
35 MPH 14' 250'						
35 MPH 14' 250'	Street 2					
40 <u>+</u> MPH 14" 275'	-					
		40 <u>+</u> MPH	14		2	/5'

21. 4.5.2C(2)(e)(5): Incorrect placement of provision

Currently, the placement of provision seems incorrect. This sub-item does not fit within its item, which concerns requirements of off-site parking. This proposal would convert Sub-Item 4.5.2C(2)(e)(5) into Item 4.5.2C(2)(f).

4.5.2C(2)(f): **5.** for Townhouse and Stacked Townhouse housing types, street-facing garages and carports are not permitted (see Section 3.9.1 for specific parking placement requirements).

22. 4.5.3C(1) and 4.5.3C(2): Bicycle parking

This proposal would update bicycle parking regulations to include the Mixed-Use (MU) zoning district.

- 1. All nonresidential developments with required minimum parking spaces pursuant to Sub-Section 4.5.3B in the RW, OG, <u>MU</u>, CMU-1, CMU-2, CMU-3, EMP and WD districts must provide a minimum of four bicycle parking spaces.
- 2. Nonresidential development in the RW, OG, <u>MU</u>, CMU-1, CMU-2, CMU-3, EMP and WD districts providing more than 20 but less than 100 vehicle parking spaces are required to provide six bicycle parking spaces. An additional bicycle space must be provided for each additional 15 vehicle parking spaces, or fraction thereof. A maximum of 24 bicycle parking spaces is required. Bicycle parking facilities must be located within 200 feet of at least one functioning building entrance, except for shared parking facilities, which may be located anywhere on the same site as the uses sharing the facilities, provided it lies within 200 feet of any entrance.

23. 4.5.4B(3) and 4.5.3C(2): incorrect order of words, should read:

Required off-street parking spaces may be permitted by the Zoning Administrator on a separate site from the site on which the principal use is located if the off-site parking complies with **the** all of **the** following standards:

24. 4.5.5D(3)(b): Inconsistency between Items

Currently Item 4.5.5D(3)(b) conflicts with Item 4.5.5D(3)(a) in term of minimum width, inside curb, minimum caliper and maximum spacing. This proposal would remove the inconsistency from Item 4.5.5D(3)(b) by removing everything from this provision that follows "... per Tree C..." and rely on the standards set forth in Item 4.5.5D(3)(a).

b. Unless otherwise approved by the Zoning Administrator, each island must contain a minimum of 450 square feet per Tree A; 300 square feet per Tree B; or 150 square feet per Tree C with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 2½ inches. Planting islands must be evenly distributed throughout the parking area, with no parking space located more than 120 feet from a planting island.

25. 4.6.5C(1): Buffer Planting Specifications

This proposal would rectify the requirements of Buffer Class III Type C. As more trees, shrubs and width is required in the Type C Buffer, it should require a less intense fence than in Type B. This proposal would change the current "sight proof fence" to "chain link fence".

	Type A	Type B	Type C
Class I	Width: 7 feet	Width: 10 feet	Width: 15 feet
	Evergreen Trees: 2	Evergreen Trees: 2	Evergreen Trees: 4
	Shrubs: 0	Shrubs: 24	Shrubs: 30
	Barrier: Sight proof	Barrier: Chain link fence	Barrier: No wall or fence
	fence 6' to 9' high	6' to 9' high	
Class II	Width: 7 feet	Width: 10 feet	Width: 15 feet
	Evergreen Trees: 4	Evergreen Trees: 4	Evergreen Trees: 6
	Shrubs: 0	Shrubs: 0	Shrubs: 24
	Barrier: Masonry wall	Barrier: Sight proof fence	Barrier: Chain link fence 6'
	6' to 9' high	6' to 9' high	to 9' high
Class	Width: 7 feet	Width: 10 feet	Width: 15 feet
III	Evergreen Trees: 4	Evergreen Trees: 4	Evergreen Trees: 7
	Shrubs: 0	Shrubs: 0	Shrubs: 24
	Barrier: Masonry wall	Barrier: Sight proof	Barrier: Chain link fence 6'
	6' to 9' high	fence 6' to 9' high	to 9' high Sight proof
			fence 6' to 9' high

26. 4.9.3B(5), 4.9.3B(6) and 4.9.11D: Sign Violations

Previously, it has been an issue for Zoning Inspectors to cite a business owner for failing to pay their annual sign renewal fee since the sign renewal fee is included in the building code and therefore requires a Building Inspector to cite the business. This proposal would add a reference to Appendix A, Section 8(b) of the building code that requires an annual sign renewal fee to these sections of the UDC so failure to pay the annual fee would in fact also be a zoning code violation.

4.9.3B(5): New Section:

Except for the signs listed in Sub-Sections 4.9.2 B, C, and D, all signs shall be required to obtain a license on an annual basis subject to annual reinspection as required by Sub-Section 4.9.15G and associated fees required by the City and County Building Code.

4.9.3B(6): New Section:

The Zoning Administrator shall not be required to issue an annual license for any sign unless such sign complies with the provisions of this Chapter, and all other applicable ordinances and regulations of the city and county.

4.9.11D:

D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit <u>or annual license</u> has lapsed;

4.9.15F(1)(e): New Sub-Item

- <u>d.</u> Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this Paragraph.
- e. If a nonconforming sign fails to obtain an annual license as required by Sub-Section 4.9.3 B within any calendar year, the nonconforming sign must be removed. This restriction is not intended to prevent the future erection of other signs that conform fully with the provisions of this ordinance.
- 27. 4.9.7D(2)(a): Clarification between Mixed Use (MU)and Commercial Mixed Use (CMU-) districts

This provision is intended to apply to the Commercial Mixed Use districts, per Chapter 2.1, not the Mixed Use (MU) zoning district. The proposal is to change the statement to the following:

The maximum gross surface area of attached signs in the <u>Commercial</u> Mixed Use Districts (Excluding OG and RW) and Industrial Districts are is not regulated.

28. 4.10.3C: Misspelling

C. The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such <u>facilities</u> <u>facilities</u> shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

29. 5.2.17B(2): Correction to cross-reference

Private streets shall be reserved for use by owners and residents served by such private streets and all governmental entities providing services and regulatory enforcement, as well as private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a model approved by the appropriate fire department. The location of the gate shall meet the requirements outlined in section **4.4.8 4.5.6**.

30. 7.1F(1) and 7.1G(1): Special Purpose Districts

- 7.1F(1) The provisions of this Article shall apply to the following development, including single-family and two-family housing types:
- 7.1G(1) All development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, that meets the applicability of Sub-Section 7.1F shall be processed through the Special District Administrative Site Plan Review provisions as established in Chapter 9.13.

31. 8.2.3A and 8.3.4A: Medical and University Overlay Districts

A. Authority

- <u>1.</u> The Zoning Administrator is authorized to approve site plans within the Medical Overlay District in accordance with Chapter 9.13.
- 2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.

32. 8.4.4D(3), 8.4.6B(1), 8.4.6B(2), 8.4.6B(5): Outdated Terminology

This proposal would update the use of outdated terminology of "Director of Planning" to the current title of "Zoning Administrator" and from "Office of Planning and Development (OPD)" to "Division of Planning and Development (DPD)".

- 8.4.4D(3) The Division of Planning and Development or any affected property owner within the notification area appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing comments to the **Director of Planning Zoning Administrator** and submitted within ten working days of the Board's action.
- 8.4.6B(1) An owner or other person who has a contractual interest in the property may file an application with the **Office Division** of Planning and Development. A site plan shall be submitted and reviewed in accordance with Section 8.4.4 above.
- 8.4.6B(2) The <u>Office Division</u> of Planning and Development shall forward the site plan and a request for special exception to the Land Use Control Board.
- 8.4.6B(5) The Office Division of Planning and Development or any individual appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing to the Director of Planning Zoning Administrator and submitted within 10 working days of the Board's decision. The City Council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

33. 8.12.9C(3): Grammar

This proposal added a space between "of" and "the", as well as correcting the spelling of "ensure" as below:

3. The Zoning Administrator in consultation with the Wellhead Administrator may include conditions to **insure ensure** compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.

34. 9.3.2A(1): Neighborhood Meeting Requirement

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);

35. 9.3.3B, 9.12.3, 9.12.3C and 9.12.3E: Administrative Site Plan Review

Now that Land Use and Development Services reviews Administrative Site Plan Reviews (ASPR), these sections regarding ASPRs need to change the person to whom these site plans are filed from the "Building Official" to the "Zoning Administrator". Paragraph 9.12.3A(3) should state that action should be taken on administrative site plans within ten days upon submittal of all required documents. Finally, Paragraph 9.12.3C(2) contains a misspelling of the word "ensure".

9.3.3B:

	Zoning Administrator	Building Official
Text Amendment		o mora:
Zoning Change	-	
Comprehensive Rezoning	-	
Special Uses and Planned Developments:	_	
Special Uses & Special Use Amendments		
Special Use Minor Modifications		
Special Use Major Modifications		
P. D. Outline Plan & Amendments		
P. D. Minor Modifications		
P. D. Major Modifications		
P. D. Final Plan		
P. D. Public Contract		
Subdivision:		
Minor Preliminary Plan	•	
Major Preliminary Plan	•	
Resubdivision	•	
Final Plat	•	
Public Contract	•	
Right-of-Way Vacation	•	
Right-of-Way Dedication		
Street Name Change	•	
Plat of Record Revocation	•	
Administrative Site Plan Review	■	-
Special District Administrative Review	•	
Special Exception Review	•	
Temporary Use Review		•
Tree Removal	•	
Sign Permit	•	
Certificate of Occupancy		•
Historic District Designation	•	
Certificate of Appropriateness	•	
Demolition by Neglect		
Written Interpretations		
Administrative Deviation		
Variance and Conditional Use Permit		
Appeal of Administrative Decision		
Change in Nonconforming Use Permit		

9.12.3A:

1. An application for an administrative site plan shall be submitted in accordance with Section 9.3.3, Application Requirements.

- 2. The <u>Building Official</u> <u>Zoning Administrator</u> has established specific submittal requirements for an administrative site plan application (see Application for requirements).
- 3. The Building Official Zoning Administrator shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days of their receipt upon submittal of all required documents, except for those site plans that require City or County Engineering or Technical Review Committee review. The Building Official shall provide written notice of his decision to the applicant within two working days of the date of his decision.

9.12.3C:

- 1. The **Building Official Zoning Administrator** or designee shall review all administrative site plans for compliance with all applicable requirements of this development code including but not limited to Article 3 and Article 4.
- The approving entity may recommend improvements to the site plan to impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to <u>insure ensure</u> compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.12.3E: If the **Building Official Zoning Administrator** does not approve the application, the applicant may appeal to the Memphis and Shelby County Board of Adjustment in accordance with Chapter 9.23 of this development code.

36. 9.3.4 Public Hearing and Notification

This proposal would require neighborhood associations to be notified of comprehensive rezoning and would fix the misspelling of the word "objection" in the legend.

37. 9.3.4C(2)(a): Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no **closer further** than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

38. 9.6.3: Neighborhood Notification and Meeting

Special Use Permit major modifications do not require neighborhood meetings per Sub-Section 9.3.2A whereas amendments do. This proposal would change "major modification" to "amendment" to reflect this.

An applicant requesting a special use permit or <u>amendment</u> <u>major</u> <u>modification</u> to a special use permit shall notify the surrounding neighborhood(s) (see Section 9.3.2).

39. 9.6.12E(2)(e): Planned Development

This proposal would maintain the intensity of use of a planned development, containing the allowed usage change by major modification to not only equal or lower-intensity but to the same Use Category as explained by Chapter 2.5.

Changing the permitted uses in a planned development may be processed as a major modification if uses of a lower classification are being changed to uses of a higher classification, but only within the same Use Category pursuant to Chapter 2.5. The Zoning Administrator shall determine whether a proposed use is of a higher classification as compared to the existing use on a case-by-case basis. See Sub Section 10.2.5B for classifications of uses.

40. 9.6.13A: Language Change

If the governing body votes to deny an application, there may be no subsequent similar application submitted by any party for any part of the subject property until 5 years have elapsed from the date of denial, or from the date any appeal thereof becomes final, whichever is later. This 5-year period shall also apply to: 1) those cases on which the Land Use Control Board conducts a vote votes but are withdrawn before the governing body may act and 2) those cases involving modifications (see Sub-Section 9.6.11E and Section 9.6.12) and appeals (see Sub-Section 9.23.1C) on which the Land Use Control Board conducts a vote and no further action by the governing body is taken. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so. For the purpose of this Sub-Section, "similar application" shall be interpreted to include, but is not limited to, the following:

41. 9.12.3B(3): Engineering Review

- 3. City or County Engineer Action. Only the following administrative site plans shall be reviewed by the City or County Engineer:
 - a. For sites that require the dedication of public right-of-way.
 - b. For sites within sensitive drainage basins, as defined by the City or County Engineer, any new development or redevelopment that involves a disturbance of one or more acres.
 - c. For sites outside of the sensitive drainage basins, projects requiring public impacts defined as construction involving sewer, drainage or right-of-way improvements, but not including sidewalk construction, sewer and water taps and other improvements that shall be reviewed through the street cut or sidewalk permitting process.
 - <u>d.</u> The City or County Engineer shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days of their receipt. The City or County Engineer shall provide written notice of his decision to the applicant within two working days of the date of his decision.
 - e. Any development deemed appropriate by the Zoning Administrator.

42. 9.21.2: Misspelling

The Zoning Administrator shall review the request in light of the intent and purpose of district requirements. The Zoning Administrator shall have the authority to approve an <u>administrative</u> administration deviation from for the following standards...

43. 10.3.3: Nonconforming structures

This section needs to be reworded to remove the contradiction between 10.3.3A and B, and 10.3.3C. 10.3.3C was initially written so that damage to a structure could not exceed 75% of the value of that structure without forfeiting its right to be restored but was modified so that damage to a structure could not exceed 75% of the value of all structures on the lot/tract without forfeiting said right. This change made it easier to rebuild nonconforming accessory structures. This proposal would reword 10.3.3A and 10.3.3B to remove this contradiction and remove 10.3.3C as it would then be redundant.

A. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the

total fair market value of such structure all buildings on the lot or tract immediately prior to such damage, such structure shall not be restored unless it will conform to the regulations of the district in which it is located. The prohibition against restoration within this Sub-section shall not apply to the restoration or repair of any damaged or destroyed public utility facility built prior to the effective date of this development code.

- B. When such nonconforming structure In the event that any nonconforming structure is damaged or destroyed, by any means, by to the extent of 75% or less of the total fair market value of the structure all buildings on the lot or tract immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within 12 months of the date of such damage.
- C. For the purpose of this Section, the calculation of 75% shall be determined as a percentage of the total fair market value of all buildings on the lot or tract.

44. 11.3.2: List configuration

This proposal would change the lettering of the list so it would start with the letter "A" and not the letter "B".

Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City and/or County shall include, but not be limited to the following:

- **B.** A. Issuing a stop-work order for any and all work on any signs on the same tract or lot;
- **C. B.** Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity;
- **D.** County under this development code;
- **E.** D. Seeking in court the imposition of any penalties that can be imposed by such court under this development code; and
- F. E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City and County under the applicable provisions of this development code and the building code for such circumstances.

45. 12.3.1: Corrections to General Definitions

The current definition of boarding house contains a reference to "rooming house" which is a separate use, this proposal would replace the reference to "rooming house" with "boarding house".

BOARDING HOUSE: A building where lodging, with or without meals, is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided. Evidence that a property is being utilized as a rooming boarding house may include, but is not limited to, the following: keyed locks on interior doors, number of mailboxes or mail receptacles, excessive parking and signs indicating individual rooms for rent.

This proposal would include "property listings on a web-based hosting platform" in the list of evidence that a special event is taking place on a commercial basis for home-based wedding and event centers.

HOME-BASED WEDDING AND EVENT CENTER: An establishment that caters to weddings or other occasional special events for large groups of individuals, including but not limited to the following: weddings, birthdays, reunions, church events, company events and anniversaries, either on a commercial or non-commercial basis. This use shall be limited to those special events that occur at a frequency of more than one time per calendar year. All other events are permitted as a matter of right.

Furthermore, this use shall be limited to those special events that occur largely outdoors or in structures that are open-air. For the purpose of this definition, "large groups of individuals" shall mean, for those special events operated on a non-commercial basis, at least 50 individuals present on the site at any one time and, for those special events operated on a commercial basis, at least 5 individuals present on the site at any one time. Home-based wedding and event centers may or may not occur on the same site that is occupied by a single-family residence. Evidence of whether a special event is operated on a commercial basis may include the following: paid admission for attendees, **property listing on a web-based hosting platform,** advertising on social or other media that indicates paid admission and placement of temporary restrooms on the site.

This proposal would fix a misspelling from "at last ten years" to "at least ten years" as below:

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this development code, full disclosure of all legal and equitable interest in the property is required.

This proposal clarifies the definition as below:

TRUCK STOP: An establishment, or any portion thereof, that provides fueling, bathing options, or and other conveniences to tractor-trailers and their operators. This definition includes any overnight parking of recreational vehicles and tractor-trailers in non-industrial zoning districts, with the exception of hotels, motels and other similar places of overnight lodging.

46. Revisions to the Medical Overlay District:

- 8.2.5C: Building Regulation chart, delete maximum 12 ft. Upper floor height in Shopfront, Urban, and Commercial.
- And on the following three pages (Building and Parking Placement) in "Floor Height" section delete item 3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.

47. Revisions to the University District Overlay:

- 8.3.6D: Building Regulation chart, change Upper Floor Height (floor to floor) to 9' for both Shopfront and Urban frontages.
- And on the following two pages (Building and Parking Placement) add a "Floor Height" section to read: "FLOOR HEIGHT: At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft."
- o **8.3.10.E.2 Parking:** Increase the required on-site parking spaces from 0.5 spaces per bedroom to 0.65 spaces per bedroom.

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: ZTA 22-2

At its regular meeting on **November 10, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting amendments to the Memphis and Shelby County Unified Development Code described as follows:

APPLICANT: Brett Ragsdale, Zoning Administrator

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

The following spoke in support of the application:

Brett Ragsdale, John Zeanah, and Christina Crutchfield

The following spoke in opposition to the application:

Robert Gordon and Don Jones

The Land Use Control Board reviewed the application of the Memphis and Shelby County Zoning Administrator requesting amendments to the Memphis and Shelby County Unified Development Code and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed (8-0).

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

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Brett Ragsdale Zoning Administrator CASE NUMBER: ZTA 22-1 L.U.C.B. MEETING: November 10, 2022 AGENDA NO: 6

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

REQUEST: Adopt Annual List of Amendments to the Memphis and Shelby County

Unified Development Code (the "UDC")

1. Listed below are the more significant amendments associated with this zoning text amendment, or "ZTA." All other items are explained in greater detail in the staff report. Proposed new language is indicated in **bold, underline** while proposed deletions are indicated in **bold strikethrough**. All proposed changes are reflected in a copy of the complete UDC at the end of this report.

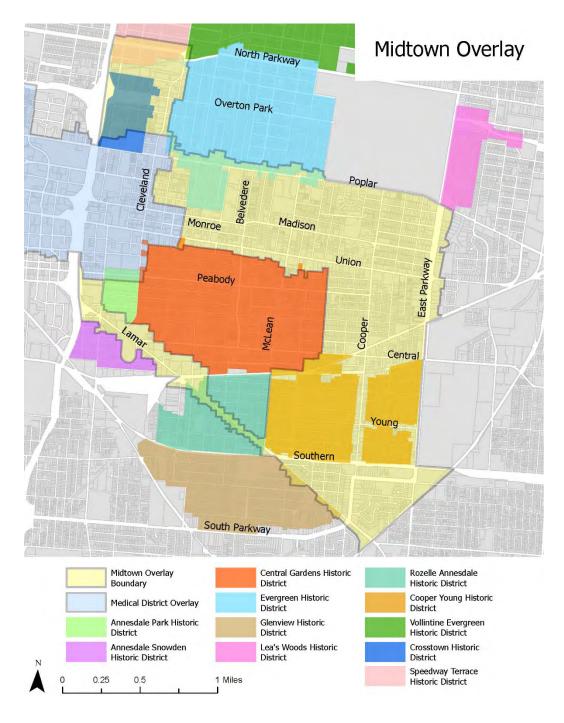
- 2. Item 1 is the product of Memphis and Shelby County Joint Housing Policy Plan. Under the proposed amendments to the Code, this proposal would allow cottages by right in the R-6 district and allow townhouses by right in the RU-1 district; Large Homes and stacked townhouses would be eligible to seek a conditional use permit to locate in the RU-1 district; lot sizes would be reduced to allow higher-density housing on smaller lots in certain districts; and changes to development standards for Accessory Dwelling Units (ADUs) would allow these uses to be built in more locations.
- 3. Item 2 is a product of the Memphis Innovation Corridor: Transit Oriented Development Plan. Under the amendment, a Transit Overlay District is proposed to address inconsistencies, create more opportunities for transit-oriented development around BRT stations, and create a more cohesive corridor. Also proposed are changes to the frontage maps in the Medical Overlay District and Midtown District to promote transit-oriented development in areas along the BRT route. All other overlay maps are replaced purely for the sake of consistency and clarity.
- 4. Item 6 would add the Mixed Use (MU) district as Sub-Section 2.2.3C and would reconfigure the list to push Commercial Mixed Use (CMU-) districts from Sub-Section 2.2.3C to become Sub-Section 2.2.3D. This proposal would also add the Mixed Use (MU) district to the list of Mixed Use Districts in Section 2.3.4 and Non-Residential Districts in Section 2.3.6.
- 5. Item 19 would simplify the contextual infill standards to include all residential site less than two-acres in size and in the area identified on the map. This proposal will also update the setback requirements for corner lots and lots "where the calculation of a range of setbacks is not practicable", as well as clarifying the requirements for street-facing garages
- 6. Item 20 would address streets with speed limits of above 40 MPH and change the tables in UDC Section 4.4.7 to address these streets, as well as changing the "unposted" value to be the same as "20-25 MPH" instead of the current "30 MPH".
- 7. Item 25 adds the annual sign renewal requirements found in the Memphis and Shelby County Building Code (Appendix A, Section 8(b)) to sections of the UDC to clarify the requirement of a sign owner to obtain an annual license and pay annual renewal and inspection fee and to establish the failure to renew the sign license or pay the annual fee would be a zoning code violation.
- 8. Item 33 would require a neighborhood meeting for any proposed zoning change.

RECOMMENDATION: Approval

Staff Writer: Brett Ragsdale E-mail: brett.ragsdale@memphistn.gov

Note: the following items are updates to the original DRAFT staff report published for the October 13, 2022, meeting:

• Updated Midtown Overlay District Map to show Speedway Terrace Historic District.



- Revisions to the Medical Overlay District:
 - 8.2.5C: Building Regulation chart, delete maximum 12 ft. Upper floor height in Shopfront, Urban, and Commercial.
 - And on the following three pages (Building and Parking Placement) in "Floor Height" section delete item 3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
- Revisions to the University District Overlay:
 - o 8.3.6D: Building Regulation chart, change Upper Floor Height (floor to floor) to 9' for both Shopfront and Urban frontages.
 - And on the following two pages (Building and Parking Placement) add a "Floor Height" section to read: "FLOOR HEIGHT: At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft."
 - 8.3.10.E.2 Parking: Increase the required on-site parking spaces from 0.5 spaces per bedroom to 0.65 spaces per bedroom.
- Revisions to Item 1 related to the Memphis and Shelby County Joint Housing Policy Plan Recommendations:
 - o 3.6.1: The R-6 table has been modified to require a minimum Cottage lot size of 3,000 square feet and minimum lot width of 30 feet. A footnote has been added to this table to confirm Cottage lots without alley access are limited to corner lots pursuant to the definition of a Cottage in section 3.4. The same updates have been copied to the RU-1 table in section 3.7.2.
 - o 2.7.2D: The standards relating to Accessory Dwelling Units have been modified to:
 - Remove the option to add an ADU to a lot where the principal use is singlefamily attached;
 - Reduce the maximum square footage allowed from 800 to 700 or 1/3 of the gross floor area of the principal structure;
 - Remove the option to add an attached ADU;
 - Clarify the height of the ADU may not exceed the height of the principal structure, except when required parking is provided on the ground floor of the accessory structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.

Proposed language is indicated in **bold**, **underline**; deleted language is indicated in **bold strikethrough**.

1. Memphis and Shelby County Joint Housing Policy Plan Recommendations

In April 2022, the Division of Housing and Community Development and Division of Planning and Development published the Memphis and Shelby County Joint Housing Policy Plan. This plan provides an assessment of the existing housing stock in Memphis and Shelby County and provides key objectives that the City and County can act on to address housing challenges. The study finds the current housing market in Shelby County is not meeting the needs of large sections of the community. More specifically, the housing market does not support investment in the production or maintenance of quality housing in many neighborhoods throughout the county. The cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible. Further, the cost of significant home improvement is often greater than the value of the improvement, limiting the ability to maintain and improve existing housing. This leads to a cycle of underinvestment, decline, blight, and desertion that threatens entire neighborhoods.

The plan's main objectives are to improve housing quality, support homeownership, diversify housing stock, and increase quality low-income housing through funding, financing, land use regulations, land activation, and tax reform. The following proposals would address Housing Policy Plan Priority 3 to update land use regulations to permit more options for housing production and lower the cost of building new housing. If the City and County changes regulations to allow more housing diversity in more areas, it is expected to lead to new housing at lower price points for renters and owners. Cost of housing has become a local and national concern. This amendment aims to address the recommendation to reform land use regulations that will allow for new types of housing that are economically viable by reducing development costs and simplifying the entitlement process.

2.5.2, 3.6.1, 3.7.1 and 3.7.2: Permitted Housing Types and Bulk Regulations

This proposal would allow cottages by right in the R-6 district and allow townhouses by right in the RU-1 district. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "by-right" symbol, "■"). This proposal would also allow stacked townhouses and large homes in the RU-1 district, both by conditional use permit only. These changes will be reflected in the use table, Section 2.5.2 (by changing the symbol for these uses in the R-6 and RU-1 districts to the "conditional use permit" symbol "C").

This proposal would also require changes in the R-6 table in Section 3	.6.1:
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Housing Types R-6 District	Conventional	Conventional	Side Yard	Cottage
	(w/ public water &	(w/ public water &	(w/ public water &	(w/ public water
	decentralized sewer)	public sewer)	public sewer)	& public sewer)
Tract or Lot (min) Area (sq. ft.) Width (ft.)	6,000 45	6,000 45	6,000 45	3,000 30 min / 45 max
Building setback (min ft.) Front (without alley access) Front (with alley access) Side (interior alley/no alley) Side (total alley/no alley) Side (street) Rear	20 15 3.5/5 7/10 10	20 15 3.5/5 7/10 10 15	20 15 0 7/10 10	20* 15 3.5/5 7/10 10 15
Height (max ft.)	40	40	40	<u>30</u>
Curb and Gutter required	Yes	Yes	Yes	<u>Yes</u>

^{*}Cottages without alley access are limited to corner lots.

This proposal would also require changes to the RU-1 tables in Section 3.7.1 and 3.7.2 to include Townhouses, Large Homes and Stacked Townhouses. Table 3.7.2 also has changes to the bulk regulations for certain housing types in the RU-1, RU-2, and RU-3 Districts. More specifically, minimum lot size has been reduced for to 2,500 sq. ft. for cottages, 6,000 sq. ft. for two-family homes, and 8,000 sq. ft. for large homes in each district. Additionally, the lot minimum widths and maximum heights have been reduced in each district. RU-1 sees cottages now have a maximum height of 25 feet as opposed to the previous 30, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. RU-2 and RU-3 sees cottages now have a minimum width of 25 feet as opposed to the previous 35, and two-family houses are proposed to have a minimum width of 45 feet, rather than 50. Cottages in the RU-1, RU-2, and RU-3 districts are proposed to also have reduced side (interior) setbacks of 2.5 feet and side (total) setbacks of 5 feet.

3.7.1 Permitted Housing Types

Housing Type	RU-1	RU-2	RU-3	RU-4	RU-5
Conventional					
Side Yard House		-	-		
Cottage	-	•	-	=	
Semi-Attached Two-Family Townhouse	: :	:	÷	÷	
Large Home Stacked Townhouse Apartment	<u>C</u> <u>C</u> 	■ ■ 	•	÷	•

■ = Permitted -- = not permitted <u>C = permitted by Conditional Use Permit</u>

3.7.2 Building Regulations for Permitted Housing Types

Housing Type	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- House ¹	<u>Large</u> <u>Home</u>	Stacked Townhouse 1
RU-1 District					-			
Tract or Lot (min)			3,000		<u>6,000</u>			
Area (sq. ft.)	6,000	6,000	4,000	3,000	8,000	<u>1,500</u>	<u>8,000</u>	<u>1,500</u>
Width (ft.)	45	45	30 35	30	<u>45</u> 50	<u>20</u>	<u>50</u>	<u>20</u>
Unit width (ft.)	=	<u>=</u>	<u>=</u>	=	<u></u>	<u>20</u>	<u></u>	<u>20</u>
Height (max ft.) see also 3.2.6	40	40	30	40	<u>40</u> 45	20 20 45	<u>45</u>	20 20 45
Building setback (min ft.)						=	<u>20</u> <u>15</u>	<u>=</u>
Front (without alley access)	20	20	20	20	20	=	<u>15</u>	=
Front (with alley access)	15	15	15	15	15	2-20 5 10 10 20	<u></u>	2-20 <u>5</u> 10 10 20
Side (interior)	5	0	<u>3.</u> 5	5	5	<u>5</u>	<u>5</u>	<u>5</u>
Side (total)	10	10	<u>7 10</u>	5	10	<u>10</u>	5 10 10 20	<u>10</u>
Side (street)	10	10	10	10	10	<u>10</u>	<u>10</u>	<u>10</u>
Rear	20	20	20	20	20	<u>20</u>	<u>20</u>	<u>20</u>
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	<u>20%</u>	<u>20%</u>	<u>30%</u>

Housing Type	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- House ¹	Large Home	Stacked Townhouse ¹
RU-2 District								
Tract or Lot (min)			4,000		8,000		12,000	
Area (sq. ft.)	6,000	6,000	<u>2,500</u>	3,000	6,000	1,500	8,000	1,500
Width (ft.)	45	45	<u>25 35</u>	30	<u>45</u> 50	20	50	20
Unit width (ft.)						20		20
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45
Building setback (min ft.)								
Front (without alley access)	20	20		20	20		20	
Front (with alley access)	15	15	15	15	15		15	
Front (min/max)*						2-20		2-20
Required building frontage**						80%		80%
Side (interior)	5	0	<u>2.</u> 5	5	5	5	5	5
Side (total)	10	10	<u>5</u> 10	5	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
% of Housing Types								
10 acres or more (max)	65%	60%	60%	40%	40%	20%	20%	30%

Housing Type	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- house ¹	Large Home	Stacked Townhouse ¹	Apartment ¹
RU-3 District									
Tract or Lot (min)			4,000		8,000		10,000		
Area (sq. ft.)	6,000	6,000	2,500	3,000	6,000	1,300	8,000	1,300	10,000
Width (ft.)	45	45	25 <u>35</u>	30	45 50	18	50	18	50
Unit width (ft.)						18		18	
Height (max ft.) see also 3.2.6	40	40	30	40	40	45	45	45	45
Building setback (min ft.)									
Front (without alley access)	20	20		20	20		20		
Front (with alley access)	15	15	15	15	15		15		
Front (min/max)*						2-20		2-20	2-20
Required building frontage**						80%		80%	50%
Side (interior)	5	0	2. 5	5	5	5	5	5	5
Side (total)	10	10	<u>5</u> 10		10	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	15	15
% of Housing Types									
More than 10 acres (max)	50%	50%	50%	60%	70%	80%	80%	80%	70%

2.7.2D: Accessory Dwelling Units

Currently, the regulations for accessory dwelling units are very restrictive. This proposal will alter the current regulations on accessory dwelling units to make them less limiting.

2.7.2D: Accessory dwelling units shall only be permitted as accessory to single-family detached dwellings that do not contain multiple dwelling units. No more than one accessory dwelling unit shall be permitted per lot. Accessory dwelling structures shall be subject to administrative site plan review as well as the standards of this Section.

- 1. The living area of the accessory dwelling unit may not exceed the living area of the principal structure.
 - a. On residential lots of less than 10 6,000 square feet, no accessory dwelling units may be constructed. after March 11, 2014. No existing accessory dwelling units on lots of this size constructed prior to March 11, 2014, may be enlarged or expanded in size.
 - b. On residential lots of at least **10 6**,000 square feet but less than 1.5 acres, the total floor area of the accessory dwelling unit shall not exceed 700 square feet, or 1/3 of the **ground gross** floor area of the principal dwelling structure on the lot, whichever is **smaller greater**.
 - c. On residential lots of 1.5 acres or greater, the total floor area of the accessory dwelling unit shall not exceed 50% of the **ground gross** floor area of the principal dwelling structure on the lot.
- One additional parking space on the same premises shall be required for each 500 square feet of an accessory dwelling unit, with a maximum

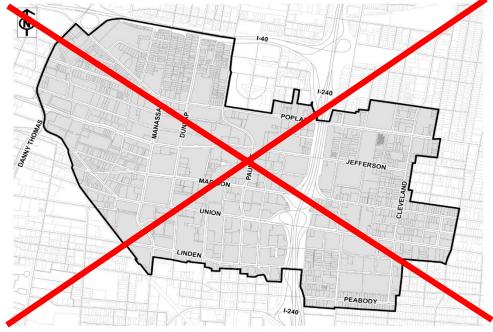
number of three additional parking spaces if the accessory dwelling unit reduces the existing parking below what is required by underlying zoning. Said parking spaces shall be located in the side or rear yards or on the ground floor of the accessory dwelling structure.

- 3. An accessory dwelling shall not be located within the principal structure.
- 4. The height of a principal structure may not be exceeded by any accessory dwelling, except where required parking is provided on the ground floor of the accessory dwelling structure. In no instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the principal structure or the height limit of the subject zoning district.
- 5. The accessory dwelling unit shall be architecturally consistent with the principal structure.
- 6. No windows besides clerestory windows shall be permitted along any portion of the walls of an accessory dwelling unit that is within 10 feet of an abutting parcel that is zoned single-family residential.

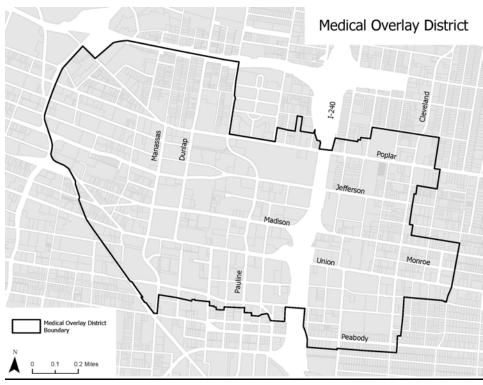
2. Transit Oriented Development Plan Recommendations

The Memphis Innovation Corridor Transit Oriented Development Plan envisions increased density around Bus Rapid Transit (BRT) stations, making it possible for surrounding residents to access daily needs with less dependency on personal vehicles. In 2014, the Memphis Area Transit Authority (MATA) identified the 8-mile route from Downtown to the University of Memphis as the first route for BRT and in 2016 BRT was adopted as the preferred highcapacity transit service and the route identified became known as the Memphis Innovation Corridor. A transit vision study in 2017 and 2018 recommended short-term and long-term network changes to increase frequency of service. The corridor was broken into six sub areas and existing land use conditions and development opportunities were explored for each subarea. The Station Area Concept Plan for each sub area identifies potential future land uses and developments based on the station typology, market potential, and planned future developments. Zoning along the Memphis Innovation Corridor varies significantly along the length of the corridor. While residential and commercial mixed-use zoning districts are the most widespread, almost all districts identified in the Unified Development Code are represented within a quarter of a mile of the corridor. This creates challenges when implementing preferred TOD standards due to the differences in setbacks, height maximums, and other building requirements set out in each of the different zoning districts. In order to address these challenges, a Transit Overlay District is proposed to address these inconsistencies and create a more cohesive corridor. Also proposed are changes to the frontage maps in the Medical District and Midtown District for areas that run along the BRT route.

8.2.2 Medical Overlay District Boundary Map:

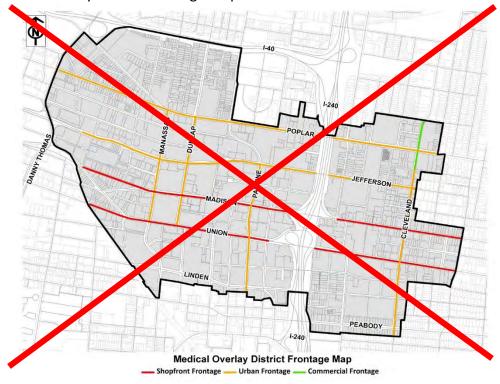


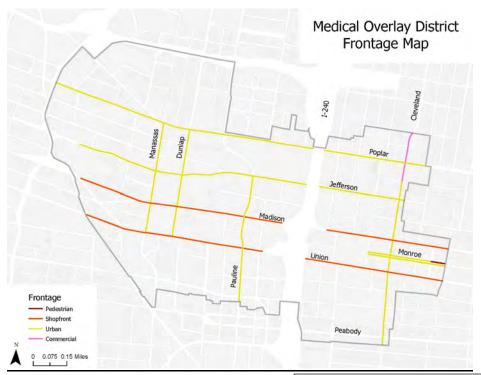
Medical Overlay District (-MO)



(NEW IMAGE)

8.2.5B Medical Overlay District Frontage Map:

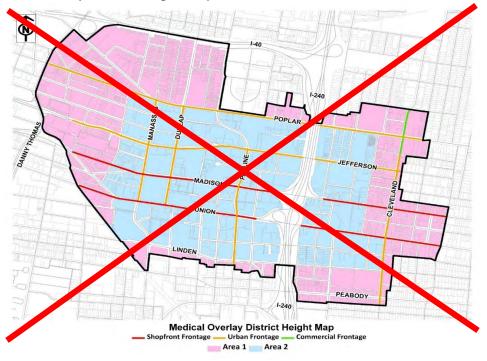


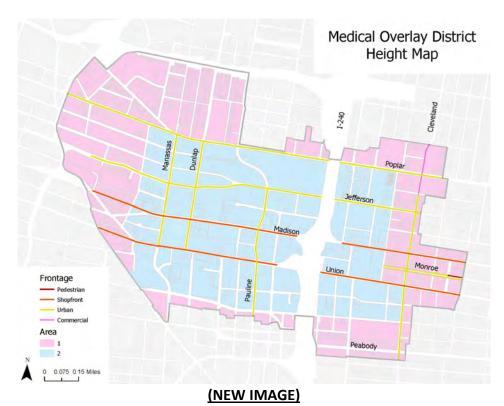


(NEW IMAGE)

Note: Frontages have been added to Monroe Ave, east of I240.

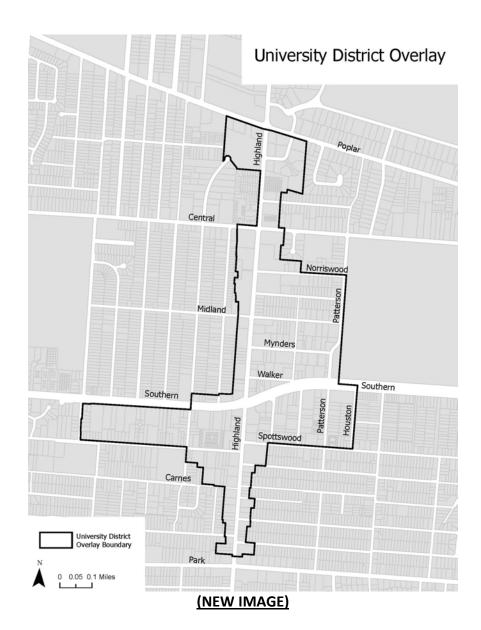
8.2.6 Medical Overlay District Height Map:





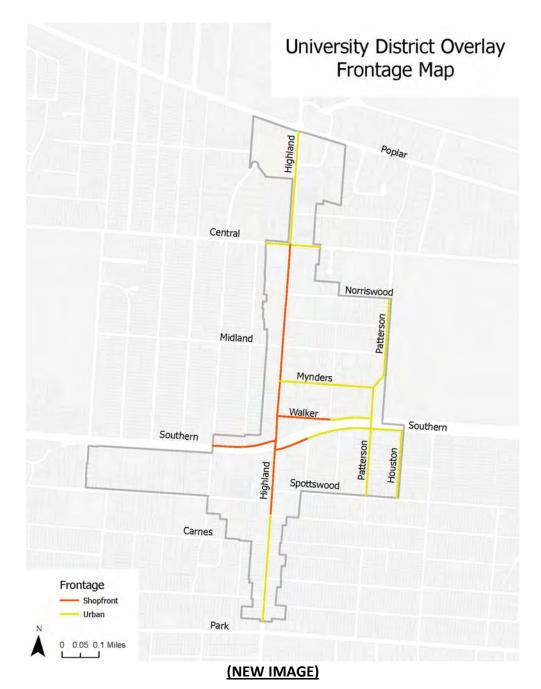
8.3.6B University District Boundary Map:





8.3.6C University District Frontage Map:

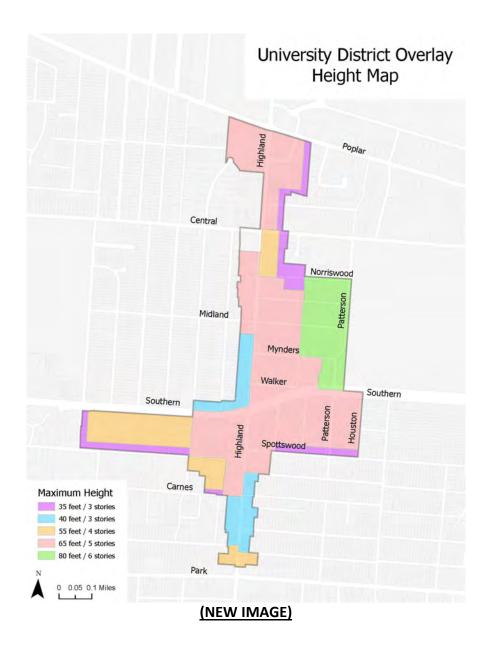




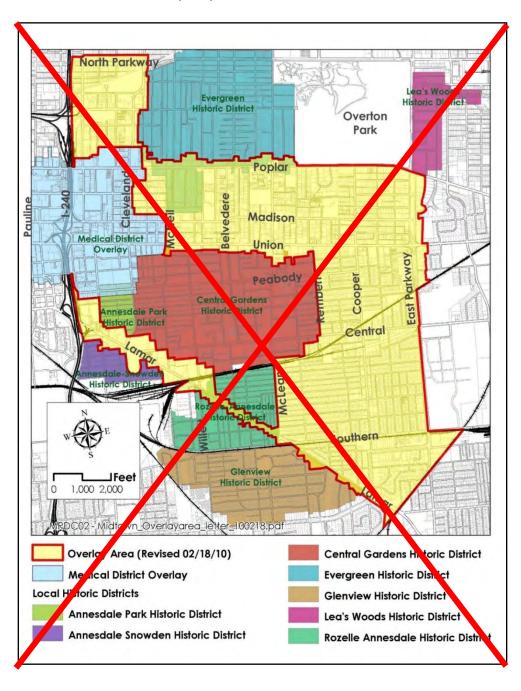
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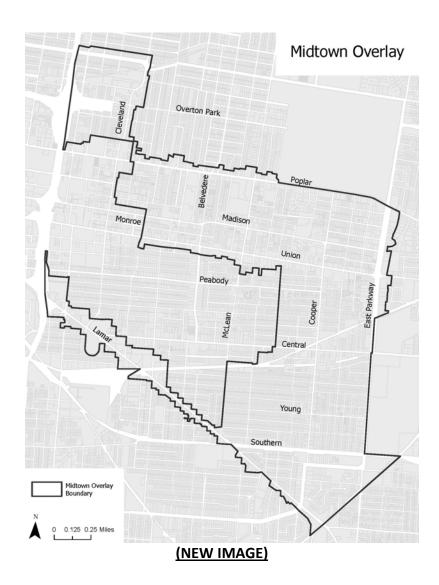
8.3.7 University District Height Map:

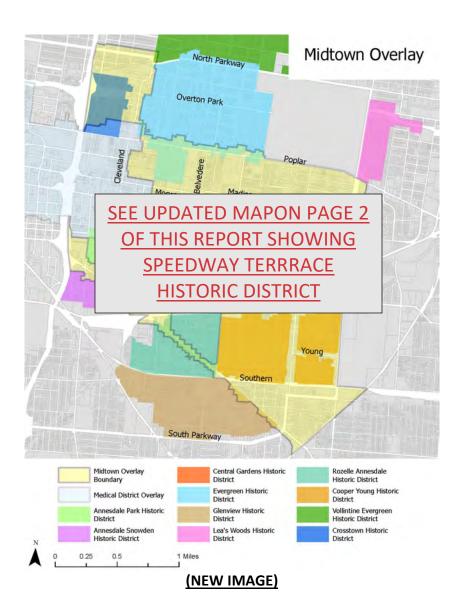




8.4.8A Midtown District Boundary Map

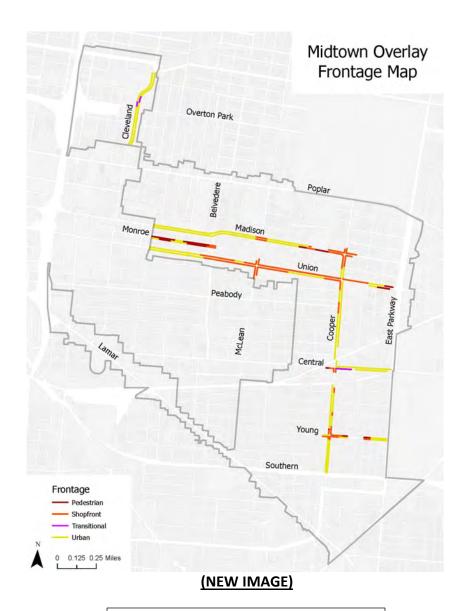






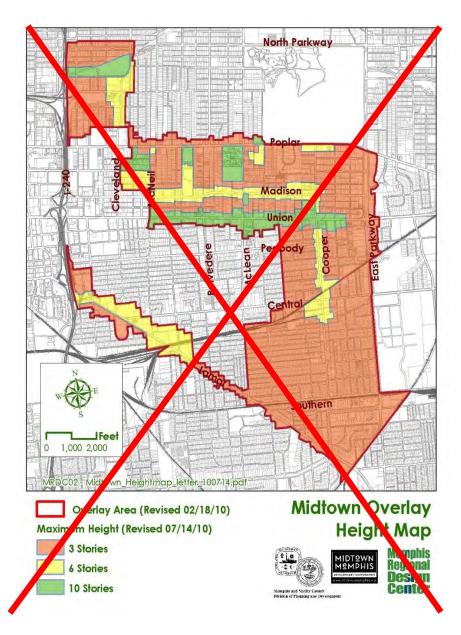
8.4.8B Midtown District Frontage Map:

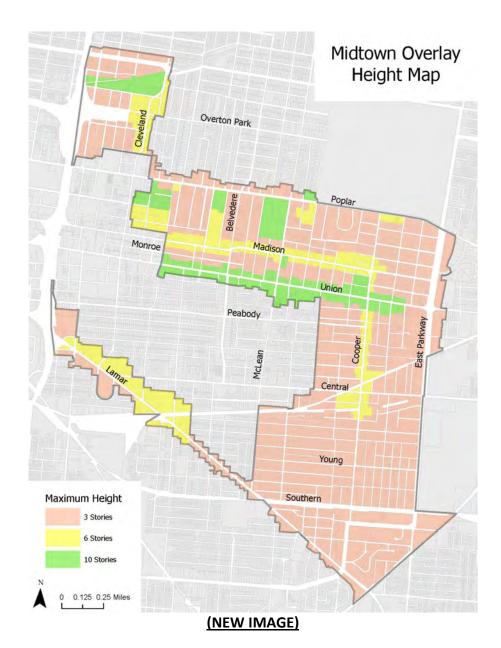




Note: Frontages have been added to Monroe Ave, Union Ave, and Belvedere Blvd.

8.4.9 Height Standards





8.13 Transit Overlay District

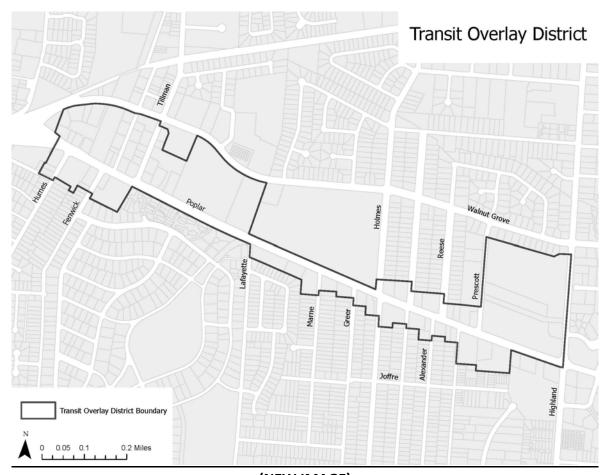
Article 1. TRANSIT OVERLAY DISTRICT (-TOD)

Article 2. Purpose

The purpose of this Chapter is to provide standards that support transit-oriented development in locations of the city where there is existing or planned high frequency transit service, such as bus rapid transit (BRT). These areas are intended to be mixed-use and urban and sustain an accessible shopfront corridor. The district's emphasis on pedestrian-oriented land use will complement the planning goals of high frequency transit, enhancing community character and quality of life. This Chapter is intended to serve as a guide to assist property owners, developers, architects, builders, business owners, public officials, and other interested citizens when considering rehabilitation, redevelopment or new construction in transit-oriented development areas.

Article 3. Boundaries

Boundaries of the Transit Overlay District(s):



(NEW IMAGE)

Article 4. Applicability

Within the Transit Overlay District, the use and sign standards of this Chapter shall apply to all land. All other standards shall apply to:

- A. All new building construction.
- B. All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.
- C. Any site not subject to this chapter's non-use standards per the above provisions, but which does not conform to its underlying zoning district, shall be governed by Article 10.

Article 5. Administration

A. Site Plan Approval

- 1. The Zoning Administrator is authorized to approve site plans within the Transit Overlay District in accordance with Chapter 9.13.
- 2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.
- 3. Any planned development or use requiring a special use permit shall be subject to site plan review.

B. Administrative Deviations

The Zoning Administrator is authorized to approve administrative deviations in accordance with Chapter 9.21. The Zoning Administrator is also authorized to approve administrative deviations from any platted front setback, provided that the setbacks of this overlay district are maintained.

C. Special Exceptions

The Land Use Control Board is authorized to approve special exceptions to any height and parking standards found within this Chapter in accordance with Chapter 9.14.

Article 6. Uses

<u>Uses shall be permitted in accordance with Section 2.5.2, unless modified by this Chapter's use table, which shall apply to all nonresidential zoning districts.</u>

<u>Transit Overlay District Use Table</u>								
Uses	<u>Permitted</u>	Not	Special Use					
		<u>Permitted</u>	<u>Approval</u>					
Multifamily (Large Home, Stacked Townhouse,	<u>x</u>							
Apartment)								
All commercial parking		<u>x</u>						
Restaurants, drive-in or drive-thru			<u>x</u>					

		•
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All other drive-thru uses, non-restaurant		<u>X</u>
Convenience stores with gas pumps, gas	<u>X</u>	
station, commercial electric vehicle charging		
station		
Payday loan, title loan, and flexible loan plan	<u> </u>	
<u>establishments</u>		
Pawnshop	<u>X</u>	
Vehicle parts and accessories		<u>X</u>
All self-service storage	<u>X</u>	
All vehicle service (including vehicle wash	<u>X</u>	
establishment)		
All vehicle repair	<u>X</u>	
All vehicle sales, rental, leasing	<u>X</u>	
All warehouse and distribution	<u>x</u>	

Article 7. Building Envelope Standards

The Urban frontage standards of Section 3.10.3 shall supersede the building envelope standards of all nonresidential zoning districts. Where that section and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

Article 8. General Development Standards

A. Applicability

The following general development standards shall supplement underlying standards in all nonresidential districts within the Transit Overlay District.

1. Fences and walls shall not be constructed in any clear sight triangle.

B. Parking

1. A development must provide a minimum of 75% and a maximum of 110% of the number of parking spaces that would be required by Sub-Section 4.5.3B, taking into account any available parking reduction allowances per Sub-Section 4.5.3E.

C. Signage

- 1. Signs should incorporate high quality materials (such as neon, hand painting, some metals, or well-crafted wood), exterior lighting, unique shapes, and outstanding graphic composition. Signs should be scaled to fit their context, complement the principal structure, and not obstruct architectural details.

 2. Plastic signage shall be prohibited.
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- 3. Text on signs shall be limited to the name of the establishment only.
- 4. Pole signs and similar sign types shall be prohibited.
- 5. Where Chapter 4.9 and this overlay district conflict, the overlay district shall govern. Any underlying standards not otherwise addressed shall remain enforceable.

D. Multi-modal Connectivity

<u>Development shall foster a walkable and bicycle-friendly environment that is designed to be safe, comfortable, and functional.</u>

1. Pedestrian Connectivity

A. Robust pedestrian facilities shall be provided in accordance with Sub-Section 4.5.5M. Developers shall be encouraged to utilize unique pavers or other such like materials, where appropriate to demarcate pedestrian facilities.

B. Any development that has a property line within 300 feet of the edge of an existing or proposed transit station or shelter shall repair and/or replace sidewalk – whether or not adjacent to the subject property – as needed to provide a path between the development and the station or shelter that conforms with local and federal sidewalk standards.

C. Pedestrian-scale lighting shall be provided along pedestrian facilities, where appropriate. The Zoning Administrator may require a lighting

2. Bicycle Parking

plan during site plan review.

A. Bicycle parking shall be provided in accordance with Sub-Section 4.5.3C, except as modified below.

- 1. Multifamily residential uses within nonresidential zoning districts shall provide a minimum of 1 bicycle parking space per 4 dwelling units. All fractions shall round up to the next whole number.
- 2. Between 70% and 80% of the minimum number of bicycle parking spaces for multifamily residential and office uses shall be designated as "limited-access bicycle parking." Up to 20% of the minimum number of bicycle parking spaces for other uses may be provided as limited-access parking. Limited-access bicycle parking shall meet the following standards.
 - a. Limited-access bicycle parking may be provided in the following locations: within the building, co-located with off-street automobile parking (such as within a parking garage), or elsewhere subject to administrative approval. b. Limited-access bicycle parking shall be limited-access, well-lit, and protected from the elements.
 - c. An unobstructed path shall be maintained between the

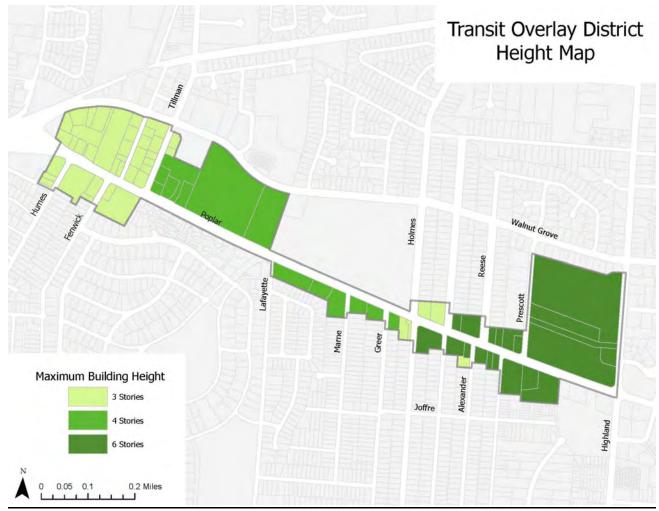
building entrance and any indoor, limited-access bicycle parking.

- d. Limited-access bicycle parking within a parking lot or parking garage shall be protected from vehicular damage by physical barriers, such as a curb or bollards.
- 3. Bicycle parking that is not designated as "limited access bicycle parking" shall be considered "general access bicycle parking." Such parking shall be publicly accessible, and within a well-lit and highly trafficked location. Such parking shall be clearly visible from the principal building entrance, or else signage shall be posted that indicates its location. Special consideration shall be given to sidewalk accessibility standards when placing bicycle parking within the right-of-way.

E. Streetscape Standards

<u>Underlying streetscaping standards shall apply, with the exception that the minimum</u> sidewalk width shall be 6 feet.

Article 9. Height Standards



(NEW IMAGE)

3. 1.9D: Language change

The following plans **shall may** be considered in any decisions under this development code.

4. 2.2.3C, 2.3.4 and 2.3.6: Mixed Use Districts

This proposal would add the Mixed Use (MU) district as Sub-Section 2.2.3C and would reconfigure the list to push Commercial Mixed Use (CMU-) districts from Sub-Section 2.2.3C to become Sub-Section 2.2.3D. This proposal would also add the Mixed Use (MU) district to the list of Mixed Use Districts in Section 2.3.4 and Non-Residential Districts in Section 2.3.6.

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2.2.3C:

C. Mixed Use (MU)

The MU District is intended to accommodate physically integrated uses. Permitted land use types include commercial, townhouses, apartments, and institutions. The ideal model consists of building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors.

C. D. Commercial Mixed Use (CMU-)

5. 2.3.2: Single-Family Districts

Currently, the Residential Urban -1 (RU-1) district is not included in the single-family district grouping, even though its permitted residential uses are all single-family. This proposal would create Sub-Section 2.3.2H: 'Residential Urban -1' to provide additional protections in this zoning district in certain situations.

6. 2.4.2: Zoning Map

Currently, the divestiture of a parcel of land is not covered under Section 2.4. This proposal would add deannexed land as Sub-Section 2.4.2B and would mirror the foregoing current Section 2.4.2 "Omitted Land" (proposed Sub-Section 2.4.2A) which requires such land to be zoned as Conservation Agriculture (CA) District.

2.4.2: Omitted Land

<u>A.</u> It is the intent of this development code that the entire area of the City of Memphis and Shelby County, except any incorporated territory outside the Memphis City limits, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this development code. Any area not shown on the Zoning Map as being included in any such district shall be classified in the CA District.

B. It is the intent of this development code that any deannexed land from the municipalities of Arlington, Bartlett, Collierville, Lakeland, or Millington or any State or Federal property divestiture outside of an incorporated municipality of Shelby County be classified as Conservation Agriculture (CA) district by default unless an application has been made and approved by the appropriate governing body of a higher classification prior to such deannexation.

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7. 2.6.3J(2)(d)(iii): Convenience Stores with Gas Pumps, missing reference:

Canopies built pursuant to Sub-Item 2.6.3J(2)(d)(ii) may contain signage.

8. 2.6.3J(2)(d)(i) and 7.2.5B(2): Misspelling of complementary

2.6.3J(2)(d)(i): Establishments permitted by right

The canopy shall be either 1) architecturally and structurally integrated and architecturally compatible or 2) architecturally compatible with the design of the principal building by exhibiting one or more of the following features, which shall be **complimentary complementary** to the principal building: roof pitch, architectural detailing, materials, and color scheme. Support columns for a fuel canopy shall be sheathed in the same masonry used on the principal building. Canopies built under this Sub-Item shall contain no signage. Examples of architecturally integrated and compatible fuel canopies are provided in Sub-Item (iv) below.

7.2.5B(2): Land Use Objectives

To include a variety of land uses that are compatible with the existing buildings and **complimentary** complementary to the unique architectural characteristics of the Loft Residential Area.

9. 2.6.3Q(1) and 9.2.2: Outdated Terminology

This proposal would update the use of outdated terminology of "Director of Planning" to the current title of "Zoning Administrator" and from "Office of Planning and Development (OPD)" to "Division of Planning and Development (DPD)".

2.6.3Q(1):

Due to the positive community relationships that are attributable to neighborhood-based farmers markets as evidenced in Memphis, Shelby County and throughout the nation, and due to the general decline in civic involvement that has occurred specifically in Memphis and Shelby County over the course of time, farmers markets shall be permitted by right in certain zoning districts as delineated in the Use Table, Section 2.5.2, if operated by a neighborhood-based, not-for-profit, entity such as a civic

organization, neighborhood or homeowners association, Community Development Corporation or similar organization as determined by the **Director of Planning Zoning Administrator**. Any farmers market that does not adhere to the provisions of this Sub-Section shall require a Special Use Permit.

9.2.2:

The second footnote in Section 9.2.2 refers to the outdated acronym for the Office of Planning and Development, OPD. This proposal would change this to refer to the current acronym for the updated division title, Division of Planning and Development or "DPD".

10. 2.6.3S: Inconsistency

Currently, smoke shop locational standards apply only to schools and parks, per this Sub-Section. Elsewhere in the code, locational standards are more stringent, extending to places of worship and day care facilities also. This proposal would have the more stringent locational standard applied to smoke shops to be consistent with the rest of the code.

2.6.3S:

Smoke shops not covered by an exception below shall be located no closer than 1320 feet from any school, place of worship, day care facility or park, as measured from the parcel that contains the smoke shop and the parcel that contains the school, place of worship, day care facility or park.

11. 2.6.3U: Truck Stop and Tractor-Trailer

This proposal would help to clarify the definitions of Truck Stop and Tractor-Trailor by referencing the applicable definitions section of the UDC.

2.6.3U:

Fuel canopies at truck stops and fueling centers for tractor-trailers shall adhere to the setback regulations for fuel canopies at convenience stores with gas pumps. See Item 2.6.3J(2)(a). See Section 12.3.1 for the definitions of Truck Stop and Tractor-Trailer.

12. 2.6.4D(3), 4.5.5D(2)(b), 5.5.5B(3), 6.5.1F, 7.2.9D(5), 8.4.4E(4), 8.6.2A(3), 8.12.7F, 9.6.9G, 9.6.12E(3)(b), 9.6.12C(3), 9.12.4B(1), 9.13.5F, 9.13.7B(1), and 9.24.6G: Misspelling of "ensure"

2.6.4D(3)

Prior to the commencement of landfill operations, the applicant for the special use permit shall submit to the building official a primary reclamation performance bond in the amount of \$3,500 per acre for each acre to be excavated, less the amount of bond held by the state, increasing \$100 per acre per year from the date of adoption of this Article, for landfill operations to insure ensure that the land shall be restored, regraded and resloped as provided in this section when such operations cease. Said bond shall not be released until the work it secures is completed or a substitute serial bond is received by the appropriate government official which shall secure all remaining work under the original bond and all bonds submitted pursuant to this section and shall so state. Such primary reclamation performance bond may be on a serialized basis in five year increments. Such primary reclamation performance bond shall be released after primary reclamation activities are complete and the condition, grade and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of not to exceed 60% of said primary reclamation bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.

4.5.5.D(2)(b).

If seeking preservation credits for an existing tree located in an interior island, terminal island, or perimeter island then such island must provide a nonpaved area no nearer than three feet inside the tree dripline but no less than ten feet from the centerline of the tree or a distance of nine times the diameter of the trunk (DBH) in feet, whichever is less, or as may be required to **insure ensure** the survival of the preserved tree, subject to the approval of the Zoning Administrator.

5.5.5B(3)

If a security has been provided to **insure ensure** performance of the improvements specified under the contract and the security is inadequate to cover the cost of said uncompleted improvements at the time the extension is sought, the applicant shall provide additional security to cover current cost projections as made by the City or County.

6.5.1F

Prior to the commencement of sand, gravel or other extraction operations, the applicant for the special use permit shall submit to the Building Official a performance bond in the amount of \$3,500 per acre, increasing \$100 per acre per year from the date of adoption of this Article, for each acre proposed to be used for sand, gravel or other extraction operations to **insure ensure** that the land

shall be restored, re-graded and re-sloped as provided in this Chapter when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of such bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.

7.2.9D(5)

5The Division of Planning and Development and Land Use Control Board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to **insure** <u>ensure</u> compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID.

8.4.4E(4)

The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to **insure ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this Chapter.

8.6.2A(3)

To **insure ensure** compatibility and to create an aesthetic atmosphere within a Historic Overlay District;

8.12.7F

The governing body may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to **insure ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

9.6.9G

The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to **insure ensure** compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

9.6.12E(3)(b)

The Zoning Administrator may include conditions to **insure ensure** compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.

9.6.12C(3)

The Zoning Administrator may include conditions to **insure ensure** compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.

9.12.4B(1)

1The proposed development shall be reviewed to **insure ensure** compliance with the requirements of the development code including any dedications or improvements required under Article 5.

9.13.5F	The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the district.
9.13.7B(1)	The proposed development shall be reviewed to insure ensure
0.20 2(2)	compliance with the requirements of the development code including any dedications or improvements required under Article 5.
9.24.6G	The Board of Adjustment may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

13. 2.7.2B: Height restrictions on accessory structures in the CA district and formatting inconsistency.

This proposal will reduce the height restrictions on accessory structures in the CA district. In this Sub-Section, there is no Paragraph 2.7.2B(1), although there are paragraphs (2) and (3). The problem with this is that 2.7.2B(3) refers to the nonexistent paragraph (1). Therefore, this proposal will also update the numbering of paragraphs (2) and (3), so that (2) becomes (1), and (3) becomes (2). This proposal will also delete the phrase 'not including any exceptions articulated in Paragraph 2.7.2B(1)' from the latter paragraph, as its intent is unknown, and the standard is already clear.

- In Relation to the Principal Structure. Except as provided in Sub-Sections 2.6.2H, 2.6.2I, 3.2.6A and Section 2.7.9, the height of an accessory structure shall not exceed the height of the principal structure, except for in the CA district, where the accessory structure shall not exceed 1.5 times the height of the principal structure.
- 2. Height and Setback. Accessory structures shall be at least five feet from the side and rear property lines. Any portion of an accessory structure over 20 feet in height shall be located at least 20 feet from all side and rear property lines that do not abut an alley. For the purpose of this paragraph, height shall be measured from the highest point of the accessory structure, not including any exceptions articulated in Paragraph 2.7.2B(1).

14. 2.9.2A: Household Living

This proposal changed the language of the first footnote to make it less restrictive.

Principal Uses	Accessory Uses
Single-Family Detached	Accessory dwelling unit (see Sub-Section 2.7.2D)*
Conventional	Apiary (see Section 2.7.12)
Side Yard House	Chickens (see Section 2.7.11)*
Cottage	Dish antenna under one meter
Single-Family Attached	Gardening
Semi-attached	Home occupation (see Section 2.7.4)
Two-Family	Private community center**
Townhouse	Detached garage, barbecue pit, carport, tool or
Multifamily	garden shed, storage unit, swimming pool,
Large Home	outdoor kitchen, pool house
Stacked Townhouse	Off-street parking
Apartment	On premise residential leasing office
Upper-Story Residential	Solar (photovoltaic) panels
Live/Work	Building-mounted wind energy system
Manufactured, Modular Home	Electric vehicle charging unit
Mobile Home	Leasing/Management Office
Manufactured Home Park	
*These are <i>only</i> permitted as accessory structure	s to single-family detached and attached uses dwelling units .

^{*}These are only permitted as accessory structures to single-family detached <u>and attached uses</u> dwelling units

15. 2.9.4F: Commercial Parking

This proposal would add "parking garage" to the list of types of "commercial parking" and clarify that tractor-trailer parking is not included as a type of "commercial parking".

2.9.4F: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged <u>(tractor-trailer parking not included)</u>.

Principal Uses	Accessory Uses
Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility (truck and motor freight trailer parking not included) Park-and-ride facility Motor vehicle parking lot Surface parking lot Parking garage	Structure intended to shield parking attendants from the weather Solar (photovoltaic) panels Building-mounted wind energy system Electric vehicle charging unit

^{**} These may be included in common areas of subdivisions, not as accessory structures on single-family lots.

16. 2.9.4H: Retail Sales and Service

This proposal would add "truck stop" to the list of principal uses of "Retail Sales and Service".

Principal Uses

Sales-Oriented

Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, ammunition, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, firearms, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, videos, and related products

Art or photo studio, gallery

Convenience store with gas pumps, gas station, electronic vehicle service station

Convenience store without gas pumps

Consignment store

Greenhouse or nursery, commercial, garden center

Pawnshop

Payday loans, title loan establishments

Photo finishing pickup station, photo finishing by computer and retail sales

Retail Sales Outdoor (vendor), Flea Market, Farmers Market, Farm Stand, Open Air Market, Vehicle parts and accessories, Wholesale club

Service-Oriented

Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day

Dance, martial arts, music studio or classroom, personal trainer or gym

Catering establishment, small-scale

Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station

Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop

Quick-sign service, printing and publishing

Post office, Taxidermist

Tattoo shop, palmist, psychic, medium

Truck stop, Tractor-trailers (fueling of)

Wedding chapel

Repair-Oriented

Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio,

Accessory Uses

Artisan manufacturing

Associated office

Automatic one bay car wash facility

Drive-thru facility

Food preparation or dining area

Gardening

Off-street parking

On-site day care where children are cared for while parents or guardians are occupied on the premises

Repackaging of goods for on-site sale

Storage of goods

Solar (photovoltaic) panels

Building-mounted wind energy system

Electric vehicle charging unit

shoe, television or watch repair, tailor, milliner,	
upholsterer, locksmith	

17. 3.2.9E(4)(b): Grammatical error

Covered, unenclosed porches attached to the principal structure may encroach a maximum of eight feet into—a—required front, rear and side setbacks, provided a five-foot separation is maintained between the porch and property line.

18. 3.9.1C: Garage and Carport Placement

This proposal would clarify when a street facing garage and carport would be allowed through specific language of "when allowed per Section 3.9.2" as opposed to "when provided".

3.9.1C: Street-facing garages and carports, when provided allowed per Section
3.9.2 must be positioned as set forth below, however, carports may not be permitted in the carriage court form.

19. 3.9.2: Contextual Infill Standards & 8.10.5 Special Development Standards

This proposal will simplify the contextual infill standards to include all residential site less than two-acres in size and in the area identified on the map. This proposal will also update the setback requirements for corner lots and lots "where the calculation of a range of setbacks is not practicable", as well as updating the requirements for street-facing garages to be only allowed if an alley is not present and more than, rather than "at least", half of the structures on the same block face have street facing garages or carports.

- 3.9.2B: 1. The contextual infill development standards shall be used on any residential site <u>less than two acres and within the area identified on the map below that meets the following conditions:</u>
 - a. For sites within an existing subdivision or planned development, no front setbacks are indicated on the plat or plan, b. The site is less than two acres in size,
 - c. The site is within the area identified on the map below; and d. The site is abutted on two or more sides by parcels containing existing—single-family—detached—or—single-family—attached dwellings that were built on lots platted or established by deed before 1950 in a residential zoning district. For the purpose of this Item, the term "abut" shall include parcels directly across any street from the site.

3.9.2E:

Structures shall be located within the range of front setbacks on the street. This range of setbacks is measured on the basis of the four lots surrounding the project site (the two closest lots in either direction along the street). The new structure shall be located within the range of setbacks (no closer than the narrowest setback, no further than the deepest setback). Where a setback in these four lots is significantly out of the range of setbacks along the street, it may be eliminated from the range. Instances where the subject lot(s) is on or within two lots of a corner, the setback shall align with the nearest adjacent lot(s). Where the calculation of a range of setbacks is not practicable, such as instances where there are no adjacent lots with existing structures the subject lot(s) is on or within two lots of a corner, the structure shall be located a minimum of 20 feet from the front property line.

3.9.2H:

Street-facing garages and carports may be allowed if an alley is not present and at least more than half of the structures on the same block face feature street-facing garages or carports. In these instances, the garage or carport placement must meet the standards of Section 3.9.1. In all other instances, street-facing garages and carports are only permitted if they are located at least 100 feet from the right-of-way and at least 50 feet behind the front façade of the structure.

20. 4.4.7A: Clear Sight Triangle

The three tables in Sub-Section 4.4.7A do not address streets with speed limits over 40 milesper-hour. This proposal will change the tables to address these streets, as well as changing the "unposted" value to be the same as "20-25 MPH" instead of the current "30 MPH".

ONE APPROACHING TRAFFIC LANE ON THROUGH STREET

Type of Sign Controlling Intersection	Posted Speed of Through Street		Length of	Side in Feet	
		Sides			
		A – B	A – C	D – E	D – F
	Unposted or 20-25 MPH	13′	175′	14′	105′
Minor Street Controlled by Stop Sign	Unposted or 30 MPH	14′	200′	14′	130′
Willor Street Controlled by Stop Sign	35 MPH	14′	250′	14′	160′
	40 <u>+</u> MPH	14′	275′	14′	180′
	Unposted or 20-25 MPH	24′	190′	24′	140′
Minor Street Controlled by Yield Sign	30 MPH	24′	230′	24′	170′
	35 MPH	24′	280′	24′	205′
	40 <u>+</u> MPH	24′	320′	24′	240′

TWO APPROACHING TRAFFIC LANES ON THROUGH STREET

Type of Sign Controlling Intersection	Posted Speed of Through Street	Length of Side In Feet				
		Sides				
		A – B	A – C	D – E	D – F	
	Unposted or 20-25 MPH	13′	175′	14′	75′	
Minor Stroot Controlled by Stan Sign	Unposted or 30 MPH	14′	200′	14′	90′	
Minor Street Controlled by Stop Sign	35 MPH	14′	250′	14′	110′	
	40 <u>+</u> MPH	14′	275′	14′	125′	
	Unposted or 20-25 MPH	24′	190′	24′	105′	
Minor Street Controlled by Yield Sign	30 MPH	24′	230′	24′	130′	
Willion Street Controlled by Field Sign	35 MPH	24′	280′	24′	130′	
	40 <u>+</u> MPH	24′	320′	24′	180′	
	Posted Speed					
Intersecting Streets	of Through Street		Length of	Side In Feet		
		Sides				
		A - B and $D - E$ $A - C$ and $D - F$		nd D – F		
	Unposted or 20-25 MPH	13′		17	75′	
Street 1	Unposted or 30 MPH	14′		200′		
Sileer i	35 MPH	14'		25	250′	
	40 <u>+</u> MPH	14′		275′		
	Unposted or 20-25 MPH	13' 175'		75′		
Street 2	Unposted or 30 MPH	14′		20	00′	
J11001 2	35 MPH	14′		25	50′	
	40 <u>+</u> MPH	14"	14" 275'		75′	

21. 4.5.2C(2)(e)(5): Incorrect placement of provision

Currently, the placement of provision seems incorrect. This sub-item does not fit within its item, which concerns requirements of off-site parking. This proposal would convert Sub-Item 4.5.2C(2)(e)(5) into Item 4.5.2C(2)(f).

4.5.2C(2)(f): 5-f. For Townhouse and Stacked Townhouse housing types, street-facing garages and carports are not permitted (see Section 3.9.1 for specific parking placement requirements).

22. 4.5.3C(1) and 4.5.3C(2): Bicycle parking

This proposal would update bicycle parking regulations to include the Mixed-Use (MU) zoning district.

1. All nonresidential developments with required minimum parking spaces pursuant to Sub-Section 4.5.3B in the RW, OG, <u>MU</u>, CMU-1, CMU-2, CMU-

- 3, EMP and WD districts must provide a minimum of four bicycle parking spaces.
- 2. Nonresidential development in the RW, OG, <u>MU</u>, CMU-1, CMU-2, CMU-3, EMP and WD districts providing more than 20 but less than 100 vehicle parking spaces are required to provide six bicycle parking spaces. An additional bicycle space must be provided for each additional 15 vehicle parking spaces, or fraction thereof. A maximum of 24 bicycle parking spaces is required. Bicycle parking facilities must be located within 200 feet of at least one functioning building entrance, except for shared parking facilities, which may be located anywhere on the same site as the uses sharing the facilities, provided it lies within 200 feet of any entrance.

23. 4.5.4B(3) and 4.5.3C(2): incorrect order of words, should read:

Required off-street parking spaces may be permitted by the Zoning Administrator on a separate site from the site on which the principal use is located if the off-site parking complies with **the** all of **the** following standards:

24. 4.5.5D(3)(b): Inconsistency between Items

Currently Item 4.5.5D(3)(b) conflicts with Item 4.5.5D(3)(a) in term of minimum width, inside curb, minimum caliper and maximum spacing. This proposal would remove the inconsistency from Item 4.5.5D(3)(b) by removing everything from this provision that follows "... per Tree C..." and rely on the standards set forth in Item 4.5.5D(3)(a).

b. Unless otherwise approved by the Zoning Administrator, each island must contain a minimum of 450 square feet per Tree A; 300 square feet per Tree B; or 150 square feet per Tree C with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 2½ inches. Planting islands must be evenly distributed throughout the parking area, with no parking space located more than 120 feet from a planting island.

25. 4.6.5C(1): Buffer Planting Specifications

This proposal would rectify the requirements of Buffer Class III Type C. As more trees, shrubs and width is required in the Type C Buffer, it should require a less intense fence than in Type B. This proposal would change the current "sight proof fence" to "chain link fence".

	Type A	Туре В	Type C
Class I	Width: 7 feet	Width: 10 feet	Width: 15 feet
	Evergreen Trees: 2	Evergreen Trees: 2	Evergreen Trees: 4
	Shrubs: 0	Shrubs: 24	Shrubs: 30
	Barrier: Sight proof	Barrier: Chain link fence	Barrier: No wall or fence
	fence 6' to 9' high	6' to 9' high	
Class II	Width: 7 feet	Width: 10 feet	Width: 15 feet
	Evergreen Trees: 4	Evergreen Trees: 4	Evergreen Trees: 6
	Shrubs: 0	Shrubs: 0	Shrubs: 24
	Barrier: Masonry wall	Barrier: Sight proof fence	Barrier: Chain link fence 6'
	6' to 9' high	6' to 9' high	to 9' high
Class	Width: 7 feet	Width: 10 feet	Width: 15 feet
Ш	Evergreen Trees: 4	Evergreen Trees: 4	Evergreen Trees: 7
	Shrubs: 0	Shrubs: 0	Shrubs: 24
	Barrier: Masonry wall	Barrier: Sight proof	Barrier: Chain link fence 6'
	6' to 9' high	fence 6' to 9' high	to 9' high Sight proof
			fence 6' to 9' high

26. 4.9.3B(5), 4.9.3B(6) and 4.9.11D: Sign Violations

Previously, it has been an issue for Zoning Inspectors to cite a business owner for failing to pay their annual sign renewal fee since the sign renewal fee is included in the building code and therefore requires a Building Inspector to cite the business. This proposal would add a reference to Appendix A, Section 8(b) of the building code that requires an annual sign renewal fee to these sections of the UDC so failure to pay the annual fee would in fact also be a zoning code violation.

4.9.3B(5): New Section:

Except for the signs listed in Sub-Sections 4.9.2 B, C, and D, all signs shall be required to obtain a license on an annual basis subject to annual reinspection as required by Sub-Section 4.9.15G and associated fees required by the City and County Building Code.

4.9.3B(6): New Section:

The Zoning Administrator shall not be required to issue an annual license for any sign unless such sign complies with the provisions of this Chapter, and all other applicable ordinances and regulations of the city and county.

4.9.11D:

D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit **or annual license** has lapsed;

4.9.15F(1)(e): New Sub-Item

- **d.** Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this Paragraph.
- e. If a nonconforming sign fails to obtain an annual license as required by Sub-Section 4.9.3 B within any calendar year, the nonconforming sign must be removed. This restriction is not intended to prevent the future erection of other signs that conform fully with the provisions of this ordinance.
- 27. 4.9.7D(2)(a): Clarification between Mixed Use (MU)and Commercial Mixed Use (CMU-) districts

This provision is intended to apply to the Commercial Mixed Use districts, per Chapter 2.1, not the Mixed Use (MU) zoning district. The proposal is to change the statement to the following:

The maximum gross surface area of attached signs in the <u>Commercial</u> Mixed Use Districts (Excluding OG and RW) and Industrial Districts are is not regulated.

28. 4.10.3C: Misspelling

C. The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such <u>facilities</u> <u>facilities</u> shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

29. 5.2.17B(2): Correction to cross-reference

Private streets shall be reserved for use by owners and residents served by such private streets and all governmental entities providing services and regulatory enforcement, as well as private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a model approved by the appropriate fire department. The location of the gate shall meet the requirements outlined in section **4.4.8 4.5.6**.

30. 7.1F(1) and 7.1G(1): Special Purpose Districts

- 7.1F(1) The provisions of this Article shall apply to the following development, including single-family and two-family housing types:
- 7.1G(1) All development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, that meets the applicability of Sub-Section 7.1F shall be processed through the Special District Administrative Site Plan Review provisions as established in Chapter 9.13.

31. 8.2.3A and 8.3.4A: Medical and University Overlay Districts

Authority

- <u>1.</u> The Zoning Administrator is authorized to approve site plans within the Medical Overlay District in accordance with Chapter 9.13.
- 2. All proposed development, except for single-family detached and single-family attached housing types, used exclusively for residential purposes on individual lots, shall be subject to the administrative site plan review process.

32. 8.4.4D(3), 8.4.6B(1), 8.4.6B(2), 8.4.6B(5): Outdated Terminology

This proposal would update the use of outdated terminology of "Director of Planning" to the current title of "Zoning Administrator" and from "Office of Planning and Development (OPD)" to "Division of Planning and Development (DPD)".

8.4.4D(3) The Division of Planning and Development or any affected property owner within the notification area appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing comments to the **Director of Planning Zoning Administrator** and submitted within ten working days of the Board's action.

- 8.4.6B(1) An owner or other person who has a contractual interest in the property may file an application with the **Office Division** of Planning and Development. A site plan shall be submitted and reviewed in accordance with Section 8.4.4 above.
- 8.4.6B(2) The <u>Office Division</u> of Planning and Development shall forward the site plan and a request for special exception to the Land Use Control Board.
- 8.4.6B(5) The Office Division of Planning and Development or any individual appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing to the Director of Planning Zoning Administrator and submitted within 10 working days of the Board's decision. The City Council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

33. 8.12.9C(3): Grammar

This proposal added a space between "of" and "the", as well as correcting the spelling of "ensure" as below:

3. The Zoning Administrator in consultation with the Wellhead Administrator may include conditions to **insure ensure** compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this development code.

34. 9.3.2A(1): Neighborhood Meeting Requirement

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning changes not in compliance with any plans to be considered (see Chapter 1.9);

35. 9.3.3B, 9.12.3, 9.12.3C and 9.12.3E: Administrative Site Plan Review

Now that Land Use and Development Services reviews Administrative Site Plan Reviews (ASPR), these sections regarding ASPRs need to change the person to whom these site plans are filed from the "Building Official" to the "Zoning Administrator". Paragraph 9.12.3A(3) should state that action should be taken on administrative site plans within ten days upon

submittal of all required documents. Finally, Paragraph 9.12.3C(2) contains a misspelling of the word "ensure".

9.3.3B:

	Zoning	Building
	Administrator	Official
Text Amendment	•	
Zoning Change	•	
Comprehensive Rezoning	•	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	•	
Special Use Minor Modifications	•	
Special Use Major Modifications	•	
P. D. Outline Plan & Amendments	•	
P. D. Minor Modifications	•	
P. D. Major Modifications	•	
P. D. Final Plan		
P. D. Public Contract	•	
Subdivision:		
Minor Preliminary Plan		
Major Preliminary Plan		
Resubdivision		
Final Plat		
Public Contract		
Right-of-Way Vacation		
Right-of-Way Dedication		
Street Name Change		
Plat of Record Revocation		
Administrative Site Plan Review	■	-
Special District Administrative Review	•	
Special Exception Review	•	
Temporary Use Review		•
Tree Removal	•	
Sign Permit	•	
Certificate of Occupancy		•
Historic District Designation	•	
Certificate of Appropriateness	•	
Demolition by Neglect	•	
Written Interpretations	•	
Administrative Deviation	•	
Variance and Conditional Use Permit	•	
Appeal of Administrative Decision	•	
Change in Nonconforming Use Permit	•	

9.12.3A:

- 1. An application for an administrative site plan shall be submitted in accordance with Section 9.3.3, Application Requirements.
- 2. The **Building Official Zoning Administrator** has established specific submittal requirements for an administrative site plan application (see Application for requirements).
- 3. The Building Official Zoning Administrator shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days of their receipt upon submittal of all required documents, except for those site plans that require City or County Engineering or Technical Review Committee review. The Building Official shall provide written notice of his decision to the applicant within two working days of the date of his decision.

9.12.3C:

- 1. The **Building Official Zoning Administrator** or designee shall review all administrative site plans for compliance with all applicable requirements of this development code including but not limited to Article 3 and Article 4.
- The approving entity may recommend improvements to the site plan to impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to <u>insure ensure</u> compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.12.3E: If the **Building Official Zoning Administrator** does not approve the application, the applicant may appeal to the Memphis and Shelby County Board of Adjustment in accordance with Chapter 9.23 of this development code.

36. 9.3.4 Public Hearing and Notification

This proposal would require neighborhood associations to be notified of comprehensive rezoning and would fix the misspelling of the word "objection" in the legend.

37. 9.3.4C(2)(a): Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no **closer further** than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as

otherwise determined to be needed by the Zoning Administrator.

38. 9.6.3: Neighborhood Notification and Meeting

Special Use Permit major modifications do not require neighborhood meetings per Sub-Section 9.3.2A whereas amendments do. This proposal would change "major modification" to "amendment" to reflect this.

An applicant requesting a special use permit or <u>amendment</u> <u>major</u> <u>modification</u> to a special use permit shall notify the surrounding neighborhood(s) (see Section 9.3.2).

39. 9.6.12E(2)(e): Planned Development

This proposal would maintain the intensity of use of a planned development, containing the allowed usage change by major modification to not only equal or lower-intensity but to the same Use Category as explained by Chapter 2.5.

Changing the permitted uses in a planned development may be processed as a major modification if uses of a lower classification are being changed to uses of a higher classification, but only within the same Use Category pursuant to Chapter 2.5. The Zoning Administrator shall determine whether a proposed use is of a higher classification as compared to the existing use on a case-by-case basis. See Sub-Section 10.2.5B for classifications of uses.

40. 9.6.13A: Language Change

If the governing body votes to deny an application, there may be no subsequent similar application submitted by any party for any part of the subject property until 5 years have elapsed from the date of denial, or from the date any appeal thereof becomes final, whichever is later. This 5-year period shall also apply to: 1) those cases on which the Land Use Control Board conducts a vote votes but are withdrawn before the governing body may act and 2) those cases involving modifications (see Sub-Section 9.6.11E and Section 9.6.12) and appeals (see Sub-Section 9.23.1C) on which the Land Use Control Board conducts a vote and no further action by the governing body is taken. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so. For the purpose of this Sub-Section, "similar application" shall be interpreted to include, but is not limited to, the following:

41. 9.12.3B(3): Engineering Review

- 3. City or County Engineer Action. Only the following administrative site plans shall be reviewed by the City or County Engineer:
 - a. For sites that require the dedication of public right-of-way.
 - b. For sites within sensitive drainage basins, as defined by the City or County Engineer, any new development or redevelopment that involves a disturbance of one or more acres.
 - c. For sites outside of the sensitive drainage basins, projects requiring public impacts defined as construction involving sewer, drainage or right-of-way improvements, but not including sidewalk construction, sewer and water taps and other improvements that shall be reviewed through the street cut or sidewalk permitting process.
 - <u>d.</u> The City or County Engineer shall approve, approve subject to conditions, or disapprove administrative site plans within ten working days of their receipt. The City or County Engineer shall provide written notice of his decision to the applicant within two working days of the date of his decision.
 - e. Any development deemed appropriate by the Zoning Administrator.

42. 9.21.2: Misspelling

The Zoning Administrator shall review the request in light of the intent and purpose of district requirements. The Zoning Administrator shall have the authority to approve an <u>administrative</u> <u>administration</u> deviation <u>from</u> for the following standards...

43. 10.3.3: Nonconforming structures

This section needs to be reworded to remove the contradiction between 10.3.3A and B, and 10.3.3C. 10.3.3C was initially written so that damage to a structure could not exceed 75% of the value of that structure without forfeiting its right to be restored but was modified so that damage to a structure could not exceed 75% of the value of all structures on the lot/tract without forfeiting said right. This change made it easier to rebuild nonconforming accessory structures. This proposal would reword 10.3.3A and 10.3.3B to remove this contradiction and remove 10.3.3C as it would then be redundant.

A. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the

total fair market value of such structure all buildings on the lot or tract immediately prior to such damage, such structure shall not be restored unless it will conform to the regulations of the district in which it is located. The prohibition against restoration within this Sub-section shall not apply to the restoration or repair of any damaged or destroyed public utility facility built prior to the effective date of this development code.

- B. When such nonconforming structure In the event that any nonconforming structure is damaged or destroyed, by any means, by to the extent of 75% or less of the total fair market value of the structure all buildings on the lot or tract immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within 12 months of the date of such damage.
- C. For the purpose of this Section, the calculation of 75% shall be determined as a percentage of the total fair market value of all buildings on the lot or tract.

44. 11.3.2: List configuration

This proposal would change the lettering of the list so it would start with the letter "A" and not the letter "B".

Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City and/or County shall include, but not be limited to the following:

- **B.** A. Issuing a stop-work order for any and all work on any signs on the same tract or lot;
- **G. B.** Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity;
- **D.** <u>C.</u> Imposing any penalties that can be imposed directly by the City and/or County under this development code;
- **E. D.** Seeking in court the imposition of any penalties that can be imposed by such court under this development code; and
- F. E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City and County under the applicable provisions of this development code and the building code for such circumstances.

45. 12.3.1: Corrections to General Definitions

The current definition of boarding house contains a reference to "rooming house" which is a separate use, this proposal would replace the reference to "rooming house" with "boarding house".

BOARDING HOUSE: A building where lodging, with or without meals, is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided. Evidence that a property is being utilized as a rooming boarding house may include, but is not limited to, the following: keyed locks on interior doors, number of mailboxes or mail receptacles, excessive parking and signs indicating individual rooms for rent.

This proposal would include "property listings on a web-based hosting platform" in the list of evidence that a special event is taking place on a commercial basis for home-based wedding and event centers.

HOME-BASED WEDDING AND EVENT CENTER: An establishment that caters to weddings or other occasional special events for large groups of individuals, including but not limited to the following: weddings, birthdays, reunions, church events, company events and anniversaries, either on a commercial or non-commercial basis. This use shall be limited to those special events that occur at a frequency of more than one time per calendar year. All other events are permitted as a matter of right.

Furthermore, this use shall be limited to those special events that occur largely outdoors or in structures that are open-air. For the purpose of this definition, "large groups of individuals" shall mean, for those special events operated on a non-commercial basis, at least 50 individuals present on the site at any one time and, for those special events operated on a commercial basis, at least 5 individuals present on the site at any one time. Home-based wedding and event centers may or may not occur on the same site that is occupied by a single-family residence. Evidence of whether a special event is operated on a commercial basis may include the following: paid admission for attendees, **property listing on a web-based hosting platform,** advertising on social or other media that indicates paid admission and placement of temporary restrooms on the site.

This proposal would fix a misspelling from "at last ten years" to "at least ten years" as below:

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this development code, full disclosure of all legal and equitable interest in the property is required.

This proposal clarifies the definition as below:

TRUCK STOP: An establishment, or any portion thereof, that provides fueling, bathing options, or and other conveniences to tractor-trailers and their operators. This definition includes any overnight parking of recreational vehicles and tractor-trailers in non-industrial zoning districts, with the exception of hotels, motels and other similar places of overnight lodging.

Staff Report Nov. 10, 2022 ZTA 22-1

LETTERS RECEIVED

Ten (10) letters were received at the time of completion of this report and have subsequently been attached. Three (3) letters of support and seven (7) letters of opposition were received.



November 1, 2022

To:
Brett Ragsdale
Zoning Administrator
Division of Planning and Development
Brett.Ragsdale@memphistn.gov

From:
Deveney Perry
BLDG Memphis
1680 Jackson Avenue
Memphis, TN 38107
Deveney@bldgmemphis.org

Re: Land Use Control Board Zoning Text Amendment Application ZTA 22-1 09/08/2022

On behalf of BLDG Memphis, I write to provide full support for the text amendments of the Unified Development Code (UDC). The proposed changes provide an assessment of the existing housing stock in Memphis and Shelby County and provide key zoning objectives that the City and County can act on to address housing challenges experienced by non-profit developers and others within the local community development industry.

BLDG Memphis is an organization that drives investment in Memphis neighborhoods through building capacity in members, public policy and civic engagement. We value the importance of strong neighborhoods and community-informed approaches. We are specifically designed to represent and support local community development corporations (CDCs) as they conduct a number of community development activities in disinvested neighborhoods: developing affordable housing, counseling future homeowners, providing access to home ownership and improvement financing, improving public spaces and corridors, and improving access to healthy food are the most common ones.

We agree with the findings, as the current housing market in Shelby County is not meeting the needs of large sections of the community. More specifically, the housing market does not support needed investment in the production or maintenance of quality housing in many neighborhoods throughout the county.

The community development sector can confirm that the cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible.

Re: BLDG Memphis Support for LUCB Zoning Text Amendment Application ZTA 22-1 09/08/2022

As BLDG Memphis calls attention to local needs for improving housing affordability, we hope to communicate that this will require better alignment of three policy tools: reforming land use regulation to allow smaller, more compact housing; addressing taxes on expensive, underused land; and expanding housing subsidies to lowincome households.

BLDG Memphis is encouraged by the proposed recommendations that will permit more options for housing production and lower the cost of building new housing. We are hopeful these changes will support a clearer path to our goals of increased affordability, density, and inventory in the city's housing stock.

As a voice for the community development industry in Memphis, BLDG Memphis welcomes the opportunity to support the Division's proposed amendments to the UDC and to ensure we will work towards maximizing the benefits.

Thank you for your time and consideration,

Deveney Perry
Executive Director
BLDG Memphis
Cc: Christina Crutchfield
Director of Neighborhood Planning

2022 - 2023 BLDG Memphis Members

Community Development Organizations

- Alcy Ball Development Corporation
- Binghampton Development Corporation
- Center for Transforming Communities
- Crosstown Community
 Development Corporation
- Downtown Memphis Commission
- Frayser Community Development Corporation
- Habitat for Humanity of Greater Memphis
- Heights Community Development Corporation
- Jacobs Ladder Community Development Corporation
- Kingdom Community Builders
- Klondike Smokey City Community Development Corporation

- Memphis Medical District Collaborative
- Midtown Memphis Development Corporation
- Mustard Seed, Inc.
- NHO Management
- Oasis of Hope
- Pigeon Roost Community Development Corporation
- Raleigh Community Development Corporation
- South Memphis Alliance
- The Works. Inc.
- United Housing, Inc.
- Victorian Village Community Development Corporation
- Vollintine Evergreen Community Association



Brett Ragsdale Zoning Administrator Division of Planning and Development Brett.Ragsdale@memphistn.gov

Dear Administrator Ragsdale,

Re: Land Use Control Board Zoning Text Amendment Application ZTA 22-1 09/08/2022

On behalf of United Housing, Inc. (UHI), I offer my full support for the text amendments of the Unified Development Code (UDC). The proposed changes provide an assessment of the existing housing stock in Memphis and Shelby County and provide key zoning objectives that the City and County can act on to address housing challenges experienced by non-profit developers and others within the local community development industry.

UHI is a nonprofit organization, home builder, housing counseling agency and nonprofit lender. We provide financial literacy, homeownership education, and mortgage products to individuals outside of the traditional banking and homeownership market. Our capital projects include single-family scattered-site development and subdivisions in Frayser, Raleigh, and Westwood. UHI plans to increase our "missing middle" housing projects due to the changing economic environment and changing market for walkable, smaller, smartly designed homes and low-scale multifamily housing in our legacy neighborhoods.

UHI can confirm that the cost of building new, quality housing often surpasses the value of existing housing stock in a community, which makes new housing economically infeasible. Our funding gap is often between \$25,000-\$50,000 depending on the project size and location. The housing market alone does not support needed investment in the production or maintenance of quality housing in many neighborhoods throughout the county.

Reforming land use regulation to allow smaller, more compact housing; addressing taxes on expensive, underused land; and expanding housing subsidies to low-income households will allow organizations like UHI to provide the affordability our clients need, allow us to finance, design and build a diversity of homes on infill sites and lots more readily.

UHI is encouraged by the proposed recommendations that will permit more options for housing production and lower the cost of building new housing. We are hopeful these changes will support a clearer path to our goals of increased affordability, density, and inventory in the city's housing stock.

Sincerely,

Amy Schaftlein Executive Director From: MARY OGLE
To: Zeanah, John

Subject: RE: Zoning and development

Date: Friday, November 4, 2022 7:58:12 AM

Attachments: image001.png

image002.png image003.png image004.png

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CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Mr. Zeanah.

Please do include my **revised comment (below)** in that staff report - and please let me know when and whether there is anyone else I should contact to get this done.

I changed the last sentence of the second paragraph to say: I don't think anyone of any age or physical ability would not prefer a single-family unattached home to any kind of shared-wall building (including duplexes, attached housing such as townhouse rows or apartment rows, apartment buildings, or congregate housing). I inserted two additional paragraphs after that.

Revised comment:

Memphis needs more small affordable zero lot line single-family houses, nice but no luxury finishes or fixtures, single-story and ADA compliant including ADA compliant kitchens and bathrooms (curbless showers), screened front porches large enough for a few chairs, and attached garages - start near Poplar, Summer Avenue, and Park Avenue corridor areas and expand from there.

Why? Significant population of older residents who want to downsize but remain near areas where they live or work now (including me!), and need for more ADA housing for those older residents and for those of any age who need that. I don't think anyone of any age or physical ability would not prefer a single-family unattached home to any kind of shared-wall building (including duplexes, attached housing such as townhouse rows or apartment rows, apartment buildings, or congregate housing).

I believe the best bath/bedroom ratio would be a mix of primarily 1 bath/1bedroom, with a lesser amount of 1 or 2bath/2bedroom, and a maximum of 2 bath/3 bedroom.

I suggest requiring a gas connection for a cooktop or gas range or a built-in gas cooktop or range, because gas allows instant heat control for cooking (electric doesn't) and gas can be used to cook during power outages (electric can't).

What I have in mind would have as a starting point houses like Dwayne Jones has been doing in Orange Mound (but with attached garages), or like Malone Park Commons (but with ramps, or slab construction, no entry-way stairs).

On 11/03/2022 12:55 PM Zeanah, John < john.zeanah@memphistn.gov> wrote:

Thank you for your comments, Ms. Ogle. The Division has proposed zoning amendments that would permit structures such as those you describe to be built in many residential areas throughout the City. The current zoning code restricts single family to be more conventional in nature (larger lots), so this change would be an opportunity to allows builders to develop this style of housing more affordably. I can add your comments to the staff report that goes with our proposal.



John Zeanah, AICP

Director

Division of Planning and Development

125 N. Main, Ste. 468 Memphis, TN 38103

Phone: 901-636-7167

Email: john.zeanah@memphistn.gov



Visit our website

TO: Land Use Control Board

Re: ZTA-22-01

Attn: Brett.Ragsdale@memphistn.gov

LUCB:

Thanks to the public meeting given by John Zeanah and Brett Ragsdale, we have a better understanding of the proposed changes to the UDC.

We have these comments to submit by deadline:

The recent growth of out of town owners of midtown properties and their efforts to do the minimum work for the maximum profit suggests that granting the "by right" opportunity to, essentially, double their housing income will in no way increase affordable housing in midtown.

We believe that granting the "by right" opportunity to add a cottage to a single family lot in R6 or a full-sized ADU in RU-1 will damage the look and feel of Midtown, especially the Historic Districts. Further, this change will put undue pressure on the Memphis Landmarks Commission, which is already short-staffed, underfunded and overworked.

Our broad suggestion, and the easiest one, is to exclude the area of the Midtown overlay from the ZTA proposals.

Out of town owners have proven that they will not heed Historic District guidelines and would rather create their profit potential and then beg forgiveness. Enough! Drive through midtown and see the results of their work—painted brick; older homes with smaller than appropriate windows; fences that are not allowed; porches that don't fit in with the rest of the neighborhood; and we could list many more.

We believe another approach toward achieving the same goals could rely on the comprehensive plan, Memphis 3.0, which identifies various anchors throughout the city and unincorporated county. Associated with these anchors is a Degree of Change Map which identifies anchors that are strong and also those that need some public and private investment. Instead of a blanket approach that creates a "by-right" housing style and reduced lot, consider using 3.0 to identify areas that need this treatment and then use the zoning process to change the zoning where the Degree of Change Map indicates the change is warranted.



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66 S. Cooper St., Ste. 506 Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

www.facebook.com/Midtown Memphis.MMDC/ On a positive note, we came away from the meeting with a better understanding of the need for smaller homes in less developed areas. As OPD and some members of our audience made clear, if the comps in, for example, Orange Mound, don't allow for a loan of a full-sized home on a full-sized lot, then development will be slow or not occur. There, it may make sense to encourage smaller homes on smaller lots. We understand that there are neighborhoods that will benefit from these proposals, but we urge you to see what we believe is obvious: these changes will harm the character of the thriving and successful neighborhoods, and especially those with historical look and style.

We ask that ZTA 22-01 be amended to exclude the area within the Midtown overlay.

Thank you,

Porsche Stevens

Porsche Stevens Chairperson Robert Gordon P&D Committee Chair

CC:

Vaughan Dewar (Lea's Woods) <vaughandewar@bellsouth.net>; Emily Bishop (Rozelle-Annesdale) <cybishop@comcast.net>; GlenviewCodeTeam@gmail.com \sqlenviewcodeteam@gmail.com\; Earlice Taylor (Glenview) <earlice@yahoo.com>; Justin Gillis (Speedway Terrace) <jusgillis@gmail.com>; Sharon Younger (East End) <sharon@younger-associates.com>; Suzy Askew (VECA) <siaskew@comcast.net>; Jeremy Williams (Evergreen)
jeremywilliams76@gmail.com>; Don Jones (Evergreen) <jonesdon928@gmail.com>; Shelly Rainwater Central Gardens) <shellyrainwater@gmail.com>; Steve Redding (Central Gardens) <redding901@gmail.com>; Cathy Winterburn (Annesdale Park) <cathywinter@yahoo.com>; Martin E Lipinski (Annesdale-Snowden) <mlipinsk@memphis.edu>; Karen Edwards (VECA) <kdendeavors7@gmail.com>; Jennifer Amido (Crosstown) \(\sigmain\) ienniferamido@gmail.com\(\sigmai\); Vicki Loveland (Lenox) <joghappy@comcast.net>; Robert Montague (Binghampton) <robert@bdcmemphis.org>; Leah Fox-Greenberg (Memphis Heritage) <leah@memphisheritage.org>



John R. Zeanah, AICP Director 125 North Main Street, Suite 468 Memphis, Tennessee 38103 John.Zeanah@memphistn.gov

November 7, 2022

Robert Gordon P&D Committee Chair MidtownMemphis.org

Mr. Gordon,

First, I want to thank you for organizing and moderating the meeting on ZTA 22-01 held on Thursday, November 3. Mr. Ragsdale and I found the audience welcoming and the discussion constructive. It is evident all of us care deeply for our city and neighborhoods. I look forward to more opportunities to engage with Midtown neighborhood leaders in the future.

The purpose of this letter is to advise you on modifications we intend to make to the final proposal that will be presented to the Land Use Control Board on November 10, 2022. The proposed modifications only apply to changes within item 1 of the staff report dealing with recommendations of the Memphis and Shelby County Joint Housing Policy Plan. We are in receipt of your letter dated November 4 requesting a modification to ZTA 22-01 to exclude the area within the Midtown Overlay from proposals of ZTA 22-01. We assume this to mean your request is only related to item 1.

Upon review of your request, it was brought to my attention the Midtown Overlay chapter of the Unified Development Code (UDC) contains its own use chart, including residential uses. Since no amendments were proposed to the Midtown Overlay's use chart, this does in effect exclude this area from most of the recommendations of item 1 of ZTA 22-01 with the exception of recommendations on Accessory Dwelling Units (ADUs). However, our own proposed changes deal mostly with ADUs, so it is our hope you find this to be a suitable compromise.

With respect to the proposed changes related to ADUs, the following modifications have been made in our revised proposal:

- Removed the option to add an ADU to a lot where the principal use is single-family attached;
- Reduced the maximum square footage allowed from 800 to 700 or 1/3 of the gross floor area of the principal structure;
- Removed the option to add an attached ADU;
- Clarified the height of the ADU may not exceed the height of the principal structure, except
 when required parking is provided on the ground floor of the accessory structure. In no
 instance shall the height of an accessory dwelling structure exceed 1.5 times the height of the
 principal structure or the height limit of the subject zoning district.

We believe these modifications to best address the concerns expressed by many in the audience on Thursday evening, while still allowing Accessory Dwelling Units to become more available as an option to address our city and county's housing needs.

We have also made modifications to the dimensional standards for "cottage" lots. As I stated above, the use chart in the Midtown Overlay does not allow these structures in the subject area, so in effect your suggested modification has been accepted here. However, since this was a topic of conversation, I wanted to share we are proposing to align the required side setbacks to the same standards required of conventional single family homes in the R-6 district, increasing the minimum lot size to 3,000 square feet, and increasing the minimum lot width to 30 feet. We are also adding a footnote to the dimensional standards to clarify alley access is required unless the subject property is a corner lot.

Finally, we also took to heart many of the issues expressed related to enforcement of Certificates of Appropriateness at the time of construction. I have already begun discussions with senior leadership in our Construction Enforcement department regarding improvements we can make to the inspection process to address these issues earlier and more effectively. Once we have a proposed solution to this matter, I will respond with another letter to advise you of our actions.

Once again, thank you for hosting the conversation Thursday evening and your willingness to work toward solutions on this and future planning issues in our community.

Sincerely,

John Zeanah

From: <u>vaughandewar@bellsouth.net</u>

To: Ragsdale, Brett

Cc: "Robert Gordon"; ndorsey@me.com

Subject: Concerns on the proposed UDC changes, under ZTA-22-01

Date: Thursday, October 20, 2022 4:42:18 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Brett Ragsdale & LUCB members,

I request more time and more information about the **proposed UDC changes, under ZTA-22-01**. At our meeting of Neighborhood Associations, many representatives were unaware of how these proposed changes would affect their streets, and since some of what you are proposing appears to be highly unusual, we wondered if you'd be able to have a community meeting to explain the reasoning behind some of these changes. Such a meeting could be a city-wide meeting, or Midtown oriented.

Following are some observations and concerns:

- Broadly, our concerns in R-6 and RU-1 are about housing type, minimum lot size and lot width. We also have concern about the minimum lot size required for an Accessory Dwelling Unit and the changes allowed for the sizes of those units.
- We see you stating that your proposal to allow cottages will promote affordable housing, however **this change seems more about promoting density**, and not assuring affordability.
 - One need only look at many of the new structures in non-Historic Districts of midtown to see how expensive (and sometimes how large) a home on a small lot can be.
 - We are not comfortable with cottages being allowed by right on 50' lots. Midtown is predominantly R6 and R8.
 - o Suddenly, vacant lots and large size lots will be allowed to subdivide to less than half the size that's been historically allowed. By, essentially, making subdivision possible by right, we anticipate a major transformation of the Memphis and Midtown landscape with little to no oversight.
 - Your proposal seems to encourage front-facing garages, short driveways that stop at the front of homes, and street parking;
 - This would degrade the historic feel that makes Memphis neighborhoods so attractive to visitors (and locals), we find your proposal puzzling.

 (Front facing garages tend to bring a commercial feel to neighborhoods.)

We'd like OPD to protect what makes Memphis the attraction it is, and not dilute that and make us into another Nashville, Atlanta or Austin.

By allowing their proliferation on lots of 6000 square feet, and by encouraging larger, taller buildings, you are making an area zoned single family into a duplex district; duplexes, in fact, can add a third unit. This proposal seems to invite privacy issues and parking issues.

We recognize that we may not have understood your proposals correctly, and that is why we request a presentation that addresses these and other important issues; also, the opportunity for us to directly question someone about the proposals.

Please support Memphis, Midtown and Historic Districts by delaying this vote and giving the citizens more information about the reasoning behind these proposals.

Respectfully,

Vaughan Dewar, Lea's Wood's Historical District Representative Vaughan Dewar, PMP[®] VaughanDewar@bellsouth.net 2368 Circle Ave, Memphis, TN 38112 901 692 7777



Cooper-Young Community Association 2298 Young Ave Memphis, TN 38104 901-272-2922 info@cooperyoung.org

October 20, 2022

TO: Land Use Control Board

RE: Case Number ZTA 22-01

Land Use Control Board:

The Cooper-Young Community Association Development Committee respectfully requests ZTA 22-01 be held to allow more time for clarification of the proposed changes to the UDC. We ask you to hold a community meeting prior to this being heard at the Land Use Control Board to present information and address questions & concerns from neighborhoods & residents regarding these proposed amendments which could dramatically alter our Midtown streetscapes.

Cooper-Young predominantly consists of R-6 lots, thus we have potential concerns regarding allowable housing types, minimum lot size, and lot width. Further, the proposed changes affecting accessory dwelling units is also potentially detrimental to our community and those around us. Previous to Cooper-Young being designated a Landmarks District, we experienced first-hand the ill affects allowing large scale structures on 'skinny' lots, which did not meet minimum lot or width requirements as stipulated in the UDC at the time; they were only allowed via a loophole in the UDC. The proposed changes seem to legalize this loophole to the detriment of our established & inviting streetscapes, among other effects.

Once again, we urge you to hold a community meeting to ensure confidence in the changes you are outlining in ZTA 22-01 in order to secure community buy-in from relative stakeholders who champion Memphis neighborhoods.

Respectfully,

Cooper-Young Community Association Development Committee Olivia Wall, Development Committee Chair and CYCA President



October 19, 2022

Mr. Brett Ragsdale, Zoning Administrator Memphis and Shelby County Land Use and Development Services 125 N. Main Street Memphis, TN 38103

RE: ZTA 22-01

Administrator Ragsdale:

The EHDA Board has reviewed the proposed changes to the Unified Development Code with particular attention to the changes to the R-6 District, the RU-1 District, the Accessory Dwelling Units and the Contextual Infill Standards.

As I am sure you will agree, that even with some experience in zoning matters, these are some pretty significant changes to review and absorb. The EHDA Board respectfully requests that you continue this matter for a future meeting with the Memphis and Shelby County Land Use Control Board. We would appreciate some additional time to review the existing zoning pattern in our neighborhood and when and where these proposed changes could impact our neighborhood.

Additionally, we would like to set up a meeting with you either in-person or by zoom to discuss the reasons and intentions behind these changes and how they will impact any review by the Memphis Landmarks Commission.

You should anticipate a similar request from the Midtown Memphis Inc organization. EHDA participated in a zoom call with representatives of some of the Midtown Neighborhoods and we concluded that more information and more time is needed to assess the impacts.

We look forward to a thorough discussion with you and your staff and appreciate your consideration on this matter.

Regards:

John D. Jones

John D. (Don) Jones, Chairman Planning, Zoning, Landmarks, and Code Enforcement Committee

CC: Jeremy Williams, President

TO: Land Use Control Board

Re: ZTA-22-01

Attn: <u>Brett.Ragsdale@memphistn.gov</u>

LUCB:

We are writing to ask for both more time and more information about the proposed UDC changes. At our meeting of Neighborhood Associations, many representatives were unaware of how these proposed changes would affect their streets, and since some of what you are proposing appears to be pretty radical, we wondered if you'd be able to have a community meeting to explain the reasoning behind some of these changes. This meeting could be a city-wide meeting, or Midtown oriented.

We wanted to share with you a few of our observations and concerns.

Broadly, our concerns in R-6, R-8 and RU-1 are about housing type, minimum lot size and lot width. We also have concern about the minimum lot size required for an Accessory Dwelling Unit and the changes allowed for the sizes of those units.

We see you stating that your proposal to allow cottages in R-6 and RU-1 will promote affordable housing, however this change seems more about promoting density; we don't see where there's anything assuring affordability. One need only look at many of the new structures in non-Historic Districts of midtown to see how expensive (and sometimes how large) a home on a small lot can be.

We are not comfortable with cottages being allowed by right on 50' lots. Midtown is predominantly R6 and R8. Allowing cottages is presently possible in Midtown by application —and rarely pursued. Suddenly, vacant lots and large size lots will be allowed to subdivide to less than half the size that's been historically allowed. By, essentially, making subdivision possible by right, we anticipate a major transformation of the Memphis and Midtown landscape with no oversight. Presently, the application process guarantees civic oversight.

Further to the "cottage" issue, where cottages have required an alley or corner lot, your proposal seems to encourage front-facing garages, and/or short driveways that stop at the front of homes and result in more street parking. Since these front-loading garages would quickly decimate the historic feel that makes Memphis neighborhoods so attractive to visitors (and locals), we find your proposal puzzling. Front facing garages tend to bring a commercial feel to neighborhoods. They're appropriate to downtown, not to Midtown Historic Districts.

Finally, this proposal puts undue pressure on the already stressed MLC. We encourage you to see Historic Districts as an asset; scan the internet and read the reviews and comments by visitors to Memphis and you will see that the historical neighborhood charm here is winning, it's a positive factor. We'd like OPD to protect what makes Memphis the attraction it is, and not dilute that. We don't want to stress MLC with unnecessary "by right" proposals that are clearly inappropriate.



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66 S. Cooper St., Ste. 506 Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

www.facebook.com/Midtown Memphis.MMDC/ We are also concerned about your proposal for accessory dwelling units. By allowing their proliferation on lots of 6000 square feet, and by encouraging larger, taller buildings, you are making an area zoned single family into a duplex district; duplexes, in fact, can add a third unit. As well, the possibility of Air BnB-type units proliferating is not good; google the problems of the residents of New Orleans if you need confirmation of the harm those can do to a neighborhood when allowed to proliferate unchecked. This proposal seems to invite privacy issues and parking issues.

We recognize that we may not have understood your proposals correctly, and that is why we request a presentation that addresses these and other important issues; also, the opportunity for us to directly question someone about the proposals. Please support Memphis, Midtown and Historic Districts by delaying this vote and giving the citizens more information about the reasoning behind these proposals.

Thank you,

Porsche Stevens

Porsche Stevens Chairperson Robert Gordon P&D Committee Chair

CC:

Vaughan Dewar (Lea's Woods) <vaughandewar@bellsouth.net>; Emily Bishop (Rozelle-Annesdale) <cybishop@comcast.net>; GlenviewCodeTeam@gmail.com \sqlenviewcodeteam@gmail.com\; Earlice Taylor (Glenview) <earlice@yahoo.com>; Justin Gillis (Speedway Terrace) <jusgillis@gmail.com>; Sharon Younger (East End) <sharon@younger-associates.com>; Suzy Askew (VECA) <siaskew@comcast.net>; Jeremy Williams (Evergreen)
jeremywilliams76@gmail.com>; Don Jones(Evergreen) <ionesdon928@gmail.com>; Shelly Rainwater Central Gardens) <shellyrainwater@gmail.com>; Steve Redding (Central Gardens) <redding901@gmail.com>; Cathy Winterburn (Annesdale Park) <cathywinter@yahoo.com>; Martin E Lipinski (Annesdale-Snowden) <mlipinsk@memphis.edu>; Karen Edwards (VECA) <kdendeavors7@gmail.com>; Jennifer Amido (Crosstown) \(\sigmainter\) ienniferamido@gmail.com\(\sigmainter\); Vicki Loveland (Lenox) <joghappy@comcast.net>; Robert Montague (Binghampton) <robert@bdcmemphis.org>; Leah Fox-Greenberg (Memphis Heritage) <leah@memphisheritage.org>

From: <u>Martin E Lipinski (mlipinsk)</u>

To:Ragsdale, BrettCc:Robert Gordon

Subject: Proposed changes to UDC i ZTA 22-01

Date: Thursday, October 20, 2022 12:01:52 PM

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Annesdale- Snowden Historic District requests that a vote on this matter be delayed until there is sufficient opportunity to ask questions regarding the reason and potential impact of these changes.

We do not support the change sin R-6 and RU-1 districts that allow cottages on smaller lots.

We also do not support the changes proposed regarding Accessory Dwelling Units being able to be larger and more easily constructed without oversight.

Martin E. Lipinski, P.E., Ph.D.
Board Member
Annesdale-Snowden Historic District
mlipinsk@memphis.edu
901-619-4449

 From:
 Steve Redding

 To:
 Ragsdale, Brett

 Cc:
 Zeanah, John

 Subject:
 UDC changes

Date: Thursday, October 20, 2022 3:55:42 PM

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brett,

Just a brief note to express some concerns I have regarding the proposed changes to the UDC.

Regarding accessory dwelling units, it appears to me changes allowing for larger and taller ADUs on smaller lots may detract from the appeal of many neighborhoods. Specifically, privacy, parking, and protecting historic district guidelines may become problematic. Similarly, I have questions about allowing small cottages by right.

Along with other Midtowners, I believe we need more information on these changes, and very likely a conversation with OPD and neighborhood representatives before the LUCB takes action.

Thanks, Steve

Sent from my iPhone Steve Redding Redding Consulting Group

CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

COUNCIL AGENDA CHECK OFF SHEET Planning & Development ONE ORIGINAL DIVISION ONLY STAPLED Planning & Zoning COMMITTEE: 01/10/2023 TO DOCUMENTS DATE PUBLIC SESSION: 01/10/2023 DATE ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING X RESOLUTION **ORDINANCE** Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving ITEM DESCRIPTION: a special use permit at the subject property located at 3016 Old Austin Peay Highway, known as case number SUP 22-29 SUP 22-29 CASE NUMBER: 3016 Old Austin Peay Highway LOCATION: District 1 and Super District 9 **COUNCIL DISTRICTS:** Send Relief, Inc./North American Mission Board OWNER/APPLICANT: Myrick Gurosky & Associates REPRESENTATIVE: New special use permit to allow a dormitory REQUEST: +/-.25 acres AREA: The Division of Planning and Development recommended Approval with conditions RECOMMENDATION: The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing - January 10, 2023 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 12/08/2022 DATE ORGANIZATION - (1) BOARD / COMMISSION (1) Land Use Control Board (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE FUNDING: REQUIRES CITY EXPENDITURE - (1) YES (2) NO (2)AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: DATE POSITION PRINCIPAL PLANNER DEPUTY ADMINISTRATOR ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 22-29

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3016 OLD AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 22-29

- This item is a resolution with conditions for a special use permit to allow a dormitory; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 8, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SUP 22-29

LOCATION: 3016 Old Austin Peay Highway

COUNCIL DISTRICT(S): District 1 and Super District 9

OWNER/APPLICANT: Send Relief, Inc./North American Mission Board

REPRESENTATIVE: Myrick Gurosky & Associates

REQUEST: New special use permit to allow a dormitory

EXISTING ZONING: Commercial Mixed Use – 3 (CMU-3)

AREA: +/-0.25 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 9-0 on the consent agenda.

Respectfully,

Kendra Cobbs

Kendra Cobbs Principal Planner Land Use and Development Services Division of Planning and Development

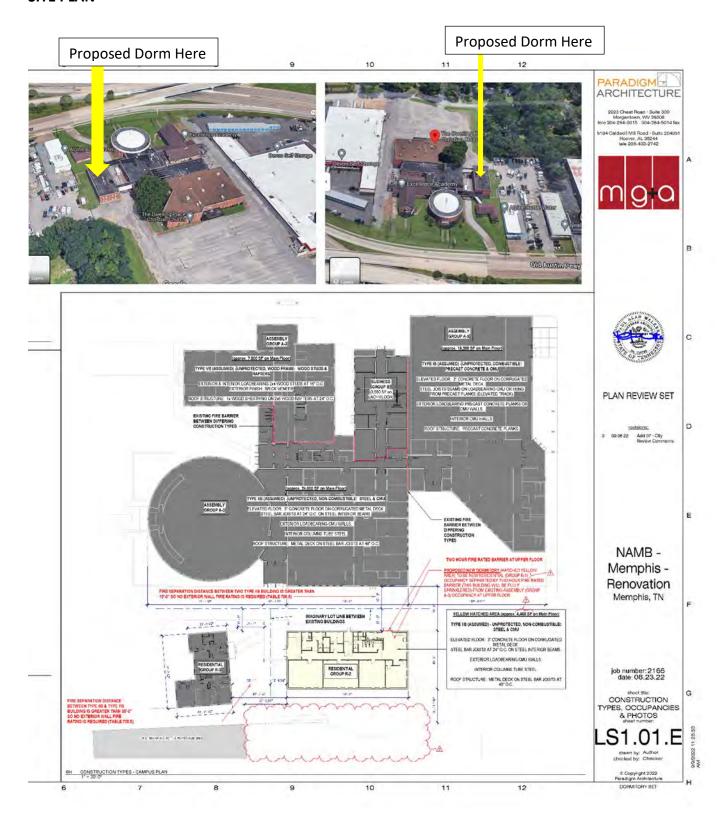
Cc: Committee Members

File

SUP 22-29 CONDITIONS

- 1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
- 2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

SITE PLAN



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3016 OLD AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 22-29

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, the North American Mission Board filed an application with the Memphis and Shelby County Division of Planning and Development to allow a dormitory; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 8, 2022, and said Board has submitted its findings and recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the request use in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

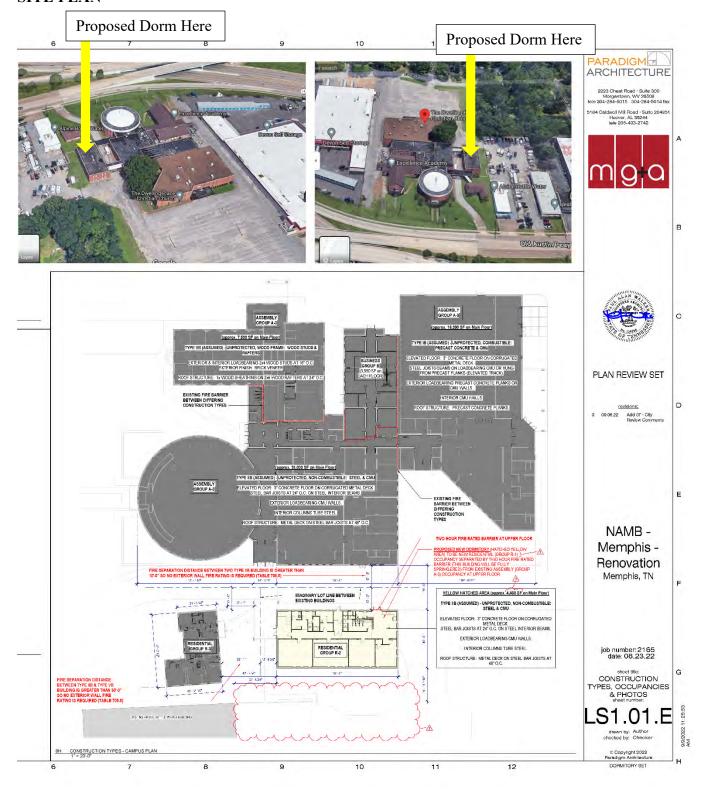
ATTEST:

CC: Division of Planning and Development
- Land Use and Development Services
- Office of Construction Enforcement

CONDITIONS

- 1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
- 2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

SITE PLAN



dpd STAFF REPORT

AGENDA ITEM: 3

CASE NUMBER: SUP 2022-029 L.U.C.B. MEETING: December 8, 2022

LOCATION: 3016 Old Austin Peay Highway

COUNCIL DISTRICT: District 1 and Super District 9

OWNER/APPLICANT: Send Relief, Inc./North American Mission Board

REPRESENTATIVE: Myrick Gurosky & Associates

REQUEST: New special use permit to allow a dormitory

AREA: +/-.25 acres

EXISTING ZONING: Commercial Mixed Use – 3 (CMU-3)

CONCLUSIONS

- 1. The applicant, North American Mission Board, is seeking an SUP to allow a dormitory at 3016 Old Austin Peay Highway, Parcel Number 085026 00083.
- 2. An SUP is required for a dormitory, per the Permitted Use Table in Article 2.5.2 of the Memphis and Shelby County Unified Development Code.
- 3. The request is for a principal use classified as an Education Facility, as per Article 2.7.5 and Article 2.5.2 of the Memphis and Shelby County Unified Development Code.
- 4. This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 15-17 of this report.

RECOMMENDATION

Approval with conditions

Staff Writer: Kendra Cobbs E-mail: Kendra.Cobbs@memphistn.gov

Staff Report SUP 2022-029 December 8, 2022 Page 2

GENERAL INFORMATION

Street Frontage: Old Austin Peay Highway +/-107 feet

Zoning Atlas Page: 1740

Parcel ID: 085026 00083

Existing Zoning: Commercial Mixed Use – 3 (CMU-3)

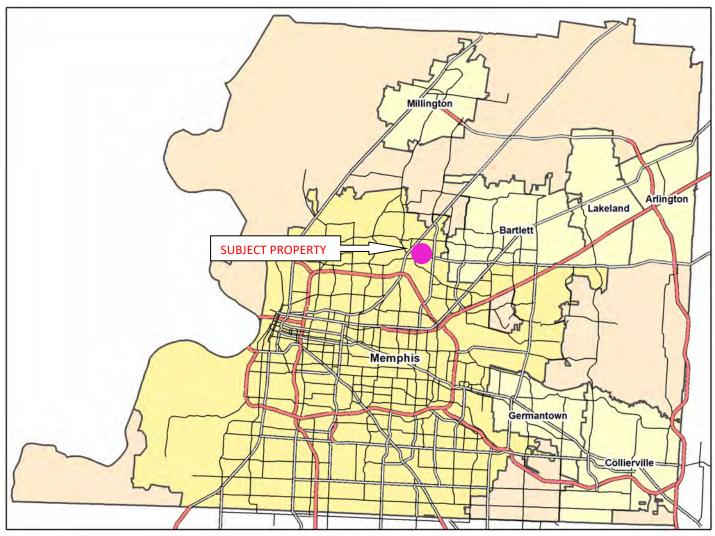
NEIGHBORHOOD MEETING

The meeting was held at 5:30 PM on Monday, November 14, 2022, at 3090 Old Austin Peay Highway.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 26 notices were mailed on November 18, 2022, and a total of 8 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Raleigh neighborhood

VICINITY MAP



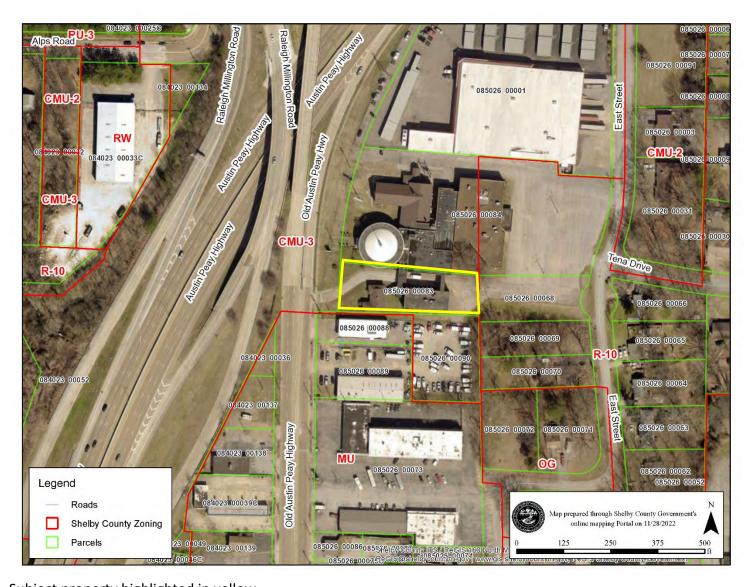
Site outlined in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 3 (CMU-3)

Surrounding Zoning

North: CMU-3

East: Residential Single Family – 10 (R-10)

South: Mixed Use and R-10

West: CMU-3, across Austin Peay Highway

LAND USE MAP



Subject property outlined in yellow

SITE PHOTOS



View of the site from Old Austin Peay Highway



View of the site looking north

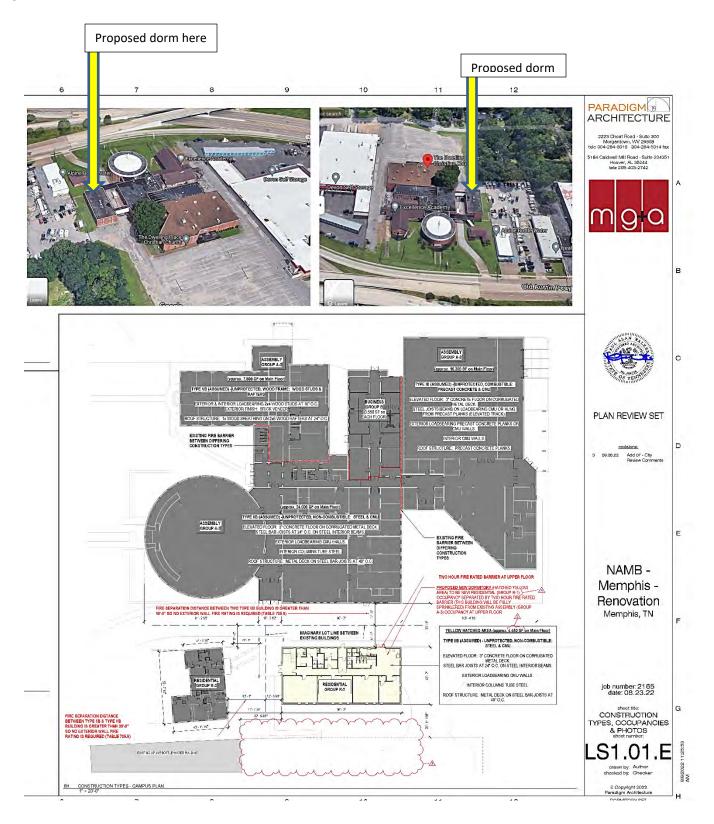


View of the site looking south



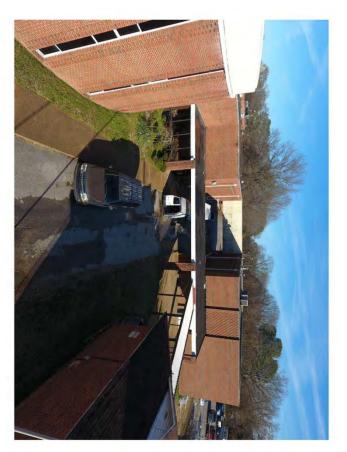
View of property across the street from subject site

SITE PLAN



SITE PLAN PHOTOS

1C EXISTING PHOTOS
NOT TO SCALE





STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is for a Special Use Permit (SUP) for the North American Mission Board to convert and use an existing building as a dormitory at 3016 Old Austin Peay Highway.

Approval Criteria

Staff agrees the approval criteria in regard to special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

Site Description

The subject property is +/-1.32 acres and located at 3016 Old Austin Peay Highway. It is zoned Commercial Mixed Use -3 (CMU-3). Per the Assessor's Office, it is assessed as religious land use. Based on onsite signage, it is the location of The Dwelling Place Christian Church, which occupies multiple adjacent parcels. The site of the proposed dormitory is fully developed with two structures connected by breezeway. The structure at the rear of the site is the building proposed for the dormitory. A driveway that extends to the rear of the lot, leads to a small parking area behind the subject building. Overhead power lines run the length of property frontage.

According to the applicant's submittal package, the building to be converted is an existing two-story educational facility consisting of 4,460 square feet on the main floor.

Conclusions

The applicant, North American Mission Board, is seeking a special use permit (SUP) to convert and use an existing building as a dormitory located at 3016 Old Austin Peay Highway, Parcel Number 085026 00083.

An SUP is required for this site because as per Article 2.7.5 (E) and Article 2.9.3 (G) of the Memphis and Shelby County Unified Development Code, a dormitory is only permitted as an additional principal use when associated with places of worship. In this case, the use is a place of worship as the Assessor's Office assesses it as a religious use, and onsite signage identifies the site as the location of The Dwelling Place Christian Church, recently acquired by Send Relief, Inc. for the North American Mission Board, also a religious institution.

Additionally, per the Permitted Use Table in Article 2.5.2, a dormitory for uses not classified as a post-secondary institution require an SUP in the Commercial Mixed Use – 3 (CMU-3) zoning district.

This project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

- 1. Future modifications to the site plan will not require re-recording of the site plan unless additional uses/activities are being added that beyond the scope of all prior approvals for the site or this approval.
- 2. The applicant shall submit a final site plan for administrative review and approval by the Division of Planning and Development.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer: See comments as follows:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

- 2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.
- 3. If sewer services are approved for this development, all sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number, and location of curb cuts.

10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

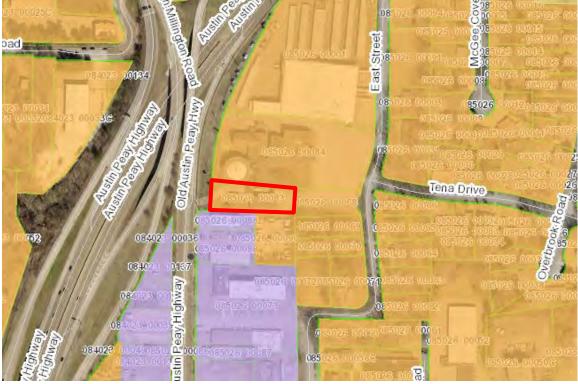
Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See comments as follows:

The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood - Mix of Building Types (AN-M) are walkable neighborhoods within a 5-10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.



"AN-M" Form & Location Characteristics

NURTURE - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

"AN-M" Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Institutional, CMU-3

Adjacent Land Use and Zoning: Commercial, Institutional, and Single-Family; CMU-2, MU, and OG

Overall Compatibility: This requested use is compatible with the land use description/intent, form & location characteristics, but not compatible with zoning notes, and existing, adjacent land use and zoning. However, the proposed use will not be detrimental to the neighborhood.

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Nurture.

4. Degree of Change Description

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

The proposed application is a philantrophic investment and will allow a broader mix of uses.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations $\ensuremath{\text{N/A}}$

Consistency Analysis Summary

The applicant is seeking approval for a Special Use Permit to allow converting an existing educational building to a dormitory in a CMU-3 zone.

This requested use is compatible with the land use description/intent, form & location characteristics, but not compatible with zoning notes, and existing, adjacent land use and zoning. However, the proposed use will not be detrimental to the neighborhood.

The proposed application is a philantrophic investment and will allow a broader mix of uses.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

APPLICATION



Record Summary for Special Use Permit

Record Detail Information

Record Type: Special Use Permit Record Status: Assignment

Opened Date: October 6, 2022

Record Number: SUP 2022-029 Expiration Date:

Record Name: New Domnitory for NAMB

Description of Work: NAMB (North American Mission Board) - Send Relief purchased the Dwelling Place

Church campus of about 84,000 SF.

NAMB intends to convert one of the existing two-story 9,150 SF educational buildings on site into a new dormitory for housing short-term (one to two weeks) missionary students affiliated with NAMB. The building has been redesigned as a dormitory with bunk bed sleeping quarters. In addition to the students, there will be a pair of adult chaperones staying for 30 days or longer on each floor.

NAMB anticipates a maximum of sixty-six students will be staying at one time, thirty-three students on each floor. The students will typically stay for one to two weeks. Additionally, there will be a single, or pair, of adult chaperones staying in each of the two King Room Suites (one on each floor) for a period of 30 days or longer. That would be total of a maximum of seventy occupants staying in the building at one time, thirty-five occupants on each floor.

The existing parking, roads, services and utilities (which will be upgraded) of the existing church campus will be adequate for housing this excepted new occupancy load since the exiting church campus had a similar, if not greater, occupant load capacity previously.

Parent Record Number:

Address:

3016 OLD AUSTIN PEAY HWY, MEMPHIS 38128

Owner Information

Page 1 of 4 SUP 2022-029

Primary Owner Name

Y SEND RELIEF INC

Owner Address Owner Phone

4200 N POINT PKWY, ALPHARETTA, GA 30022

Parcel Information

085026 00083

Data Fields

PREAPPLICATION MEETING

Name of OPD Planner
Date of Meeting
GENERAL PROJECT INFORMATION

Application Type

List any relevant former Docket / Case Number(s) related to previous applications on this site

Is this application in response to a citation, stop work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information APPROVAL CRITERIA

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D UDC Sub-Section 9.6.9E

Chip Saliba or Jeffery Penzes 11/10/2022

New Special Use Permit (SUP)
Plan Review no. for the building dept for the conversion of existing bldg to dorm:
Com-alt-22-000755
No

-

Because the existing site is a large 84,000 SF church campus with adequate parking and utilities, we do not anticipate converting the existing two story 9,150 SF building to a dorm for housing short-term missionary students for one to two week periods, will have an adverse effect upon adjacent property or other items listed.

Because this project is a reuse of an existing building on the campus, we don't anticipate it will interfere with the development of adjacent property.

Existing parking and utilities are adequate for this new use in the existing building.

No loss of any significant feature is expected.

We are in the process of complying with the Building Department's Plan Review process, and are not current aware of any other standards to comply with

Page 2 of 4 SUP 2022-029

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F The request will not adversely affect the character of

existing adjacent properties. The only

improvements planned for this existing building is to replace all the windows with energy-efficient windows and paint the existing brick - and all brick on the campus buildings - to give continuity and reinforce the brand image of NAMB, the new owner

of the campus.

GIS INFORMATION

Case Layer BOA1954-095-CO

Central Business Improvement District No
Class E
Downtown Fire District No
Historic District -

Land Use INSTITUTIONAL Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-3
State Route 1
Lot -

Subdivision R F D 1 RALEIGH TENN

Planned Development District Wellhead Protection Overlay District -

Data Tables

AREA INFORMATION

Name: NAMB (North American Mission Board) - Send Relief - Dormitory

Size (Acres): 0.25

Existing Use of Property: Existing Educational Bldg at former Dwelling Place Church

Requested Use of New Dormitory for short-term missionary students with NAMB (new owner)

Property:

Contact Information

Name Contact Type
NORTH AMERICAN MISSION BOARD APPLICANT

Address

4200 N POINT PKWY, ALPHARETTA, GA, 30022

Phone

(817)706-8259

Fee Information

Invoice #Fee ItemQuantityFeesStatusBalanceDate Assessed1419809Credit Card Use Fee (.026)10.00INVOICED0.0010/06/2022

x fee)

Total Fee Invoiced: \$0.00 Total Balance: \$0.00

Page 3 of 4 SUP 2022-029



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified

Dev	elopment Code Section 12.3.1.		
l,	Brad Kaaber	Bual Keal	, state that I have read the definition o
	(Print Name)	(Sign Name)	
"Ow	ner" as outlined in the Memphis and	Shelby County Unified Develo	opment Code Section 12.3.1 and hereby state
that	(select applicable box):		
/	/		
V	I am the owner of record as show	n on the current tax rolls of the	county Assessor of Property; the mortgage
	holder of record as shown in the r	nortgage records of the county	Register of Deeds; purchaser under a land
	contract; a mortgagee or vendee i	n possession; or I have a freel	hold or lesser estate in the premises
	I have charge, care or control of the	ne premises as trustee, agent,	executor, administrator, assignee, receiver,
	guardian or lessee (and have incli	uded documentation with this a	affidavit)
of th	e property located at <u>0 Airways B</u>	oulevard	
and	further identified by Assessor's Parc	cel Numbers 079148 00107, 10	08, 010, 106, B00009, B00008, B00007,
B000	006, B00005, B00004, B00003, B00	002, B00001,	
	which an application is being made to		Development
1,90	111111111	1111,	20.0.0
Subs	scribed and sworn to (a) affigured s	afore methis 2 NO da	y of NOVEMBER in the year of 2022
	ETT & NOTA	A 20	,
(PURIL PURIL	5	
X	1 (0) 1 (2 3,00 c 4 08, 2	00.00	MARCH 08,2026
Sign	ature of Notary Public WINTY	Guin	My Commission Expires
0	***************************************		

LETTER OF INTENT



North American Mission Board 4200 North Point Parkway Alpharetta, GA 30022 NAMB.net

August 29, 2022

Project Description:

The existing Dwelling Place Church campus has been purchased by NAMB (North American Mission Board) - Send Relief. NAMB plans to convert the existing two-story education building to a dormitory to house short term and longer term stays. They intend to house students for short term mission trips, one to two weeks, in the renovated building. The building has been designed as a dormitory with bunk bed sleeping quarters. In addition to students, there will be a pair of chaperones staying for 30 days or longer on each floor.

Ray Clark

Executive Director of Strategic Initiatives



North American Mission Board 4200 North Point Parkway Alpharetta, GA 30022 NAMB.net

August 18, 2022

City of Memphis Reviewer,

NAMB – Send Relief intends to house students for short term mission trips in the renovated existing two-story building. This building has been designed as a dormitory with bunk bed sleeping quarters.

We anticipate a maximum of sixty-six students and chaperones will be staying at one time, thirty-three students and chaperones on each floor. The students will typically stay for one to two weeks. Additionally, there will be a single, or pair, of adult chaperones staying in each of the two King Room Suites (one on each floor) for a period of 30 days or longer. That would be a total of seventy occupants staying in the building at one time, thirty-five occupants on each floor.

Ray Clark

Executive Director of Strategic Initiatives

SIGN AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee
I, MICHAEL W. EVANS, being duly sworn, depose and say that at 12:04 amon on the 15 day of NOVENBER, 2022, I posted 8 Public Notice Sign(s)
providing notice of a Public Hearing before the (check one): Land Use Control Board 3016 010 AUSTIN PEAY HUY MEMPHIS, 7N 33128
Board of AdjustmentMemphis City Council
Shelby County Board of Commissioners
for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.
11-01-22
Owner, Applicant or Representative Date
Subscribed and swom to before me this 15th day of Nov , 20 82.
Notary Public NOTA92
My commission expires: 1/3/03/4 To BLIC
ALABAMA RILLING
· · · · · · · · · · · · · · · · · · ·



LETTERS RECEIVED

No letters received at the time of completion of this report.

PUBLIC WORKS COMMITTEE



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a resolution to appropriate funds for construction of the T.E. Maxson WWTF Belt Filter Press Replacement in Sludge Disposal/Earth Complex, project Number SW02006.

- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
 Public Works
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not change any existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is located in Council District 6 and Super District 8. The project provides services to Districts or portions of Districts 2, 3, 4, 5, 6, 8 and 9.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This request will require a new construction contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

Yes, this requires an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal is 26% and the WBE goal is 1%. The MBE goal will be met by Enfinity Supply, LLC. The WBE goal will be met by A&B Construction Co.



RESOLUTION

This is a resolution to appropriate funds for construction of the T.E. Maxson WWTF Belt Filter Press Replacement in Sludge Disposal/Earth Complex, Project Number SW02006.

WHEREAS, the Council of the City of Memphis approved Sludge Disposal/Earth Complex, project number SW02006, as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, bids were received on November 23, 2022 for the construction of the T.E. Maxson WWTF Belt Filter Press Replacement in Sludge Disposal/Earth Complex with the lowest complying bid \$7,940,405.00 submitted by Chris Hill Construction Co., LLC; and

WHEREAS, this project will be funded by Sewer Capital PAY GO in the amount of \$9,131,466.00 for the construction of the T.E. Maxson WWTF Belt Filter Press Replacement; and

WHEREAS, it is necessary to appropriate \$9,131,466.00 funded by Sewer Capital Pay GO in Sludge Disposal/Earth Complex, project number SW02006 as follows:

Contract Amount:

\$7,940,405.00

Project Contingencies:

\$1,191,061.00

Total Amount:

\$9,131,466.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by appropriating the amount of \$9,131,466.00 funded by Sewer Capital PAY GO chargeable to the FY2023 Capital Improvement Budget and credited as follows:

Project Title:

Sludge Disposal/Earth Complex

Project Number:

SW02006

Amount:

\$9,131,466.00

Summary Notes for Sale of O Castalia Street

Surplus property is being sold at 0 Castalia Street, Memphis TN. 38114 (Parcel ID 031094 00031), 0.206 Acres

Purchaser: Jack Whitaker, an adjacent property owner. They plan to extend the lot with the existing one to include an already existing driveway.

Council District 4 (Jana Swearengen-Washington)

Super District 8 (Smiley, Johnson, Jones, Johnson)

Price of \$300 was determined based on

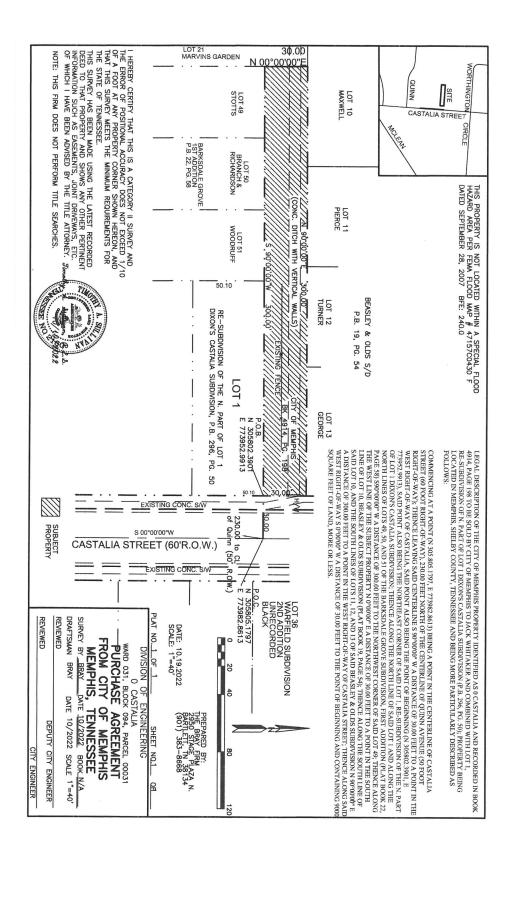
the fact that the purchaser was going to bear the cost of all surveys and generation of legal descriptions for the property.

The adjoining property owner is purchasing the property because they realized that they were encroaching o City owned property. The consulted with Engineering and Planning & Development to get an understanding of their options. They chose the option to purchase the lot and provide the City with the easement to maintain the drainage culvert located on the parcel.

Requesting Council to approve the sale of 0 Castalia Avenue.

(SEE ATTACHED DOCUMENTATION FOR REFERENCE)





City Hall – 125 N. Main St., Ste. 468 – Memphis, Tennessee 38103 – (901) 636-6619

BOARD OF ADJUSTMENT NOTICE OF DISPOSITION

TO: Corwyn Smith

<<u>Corwyn@memphisrenters.com</u>> DATE:November 10, 2022

DOCKET: BOA 22-104 LOCATION: 1437 Castalia St.

On October 26, 2022, the Memphis and Shelby County Board of Adjustment *approved* your application requesting a use variance from Section 2.5.2 to allow a duplex at the above-referenced location, subject to the following conditions:

- 1. The applicant shall acquire the parcel to the north of 1437 Castalia St. The final plat of the Re- Subdivision of the N. Part of Lot 1 of Dixon's Castalia Subdivision shall be rerecorded to effect the consolidation of said parcel into Lot 1 of said subdivision, as well as grant any necessary easements. The owner shall be responsible in perpetuity for maintaining all trees/landscaping in good health and any non-drainage-related improvements in good repair.
- 2. A minimum of four parking spaces shall be provided, including on-street parking.
- 3. The driveway shall have a maximum width of 16' at the right-of-way. It shall extend a minimum of 20' beyond the front façade of the house.
- 4. The parking pad in front of the house shall be removed and replaced with landscaping. No parking shall be allowed in the front yard.
- 5. Any new fencing shall receive a building permit. Wood fencing in the front yard may not exceed a height of 4', and no fencing within a clear sight triangle may exceed a height of 3'.
- 6. A revised site plan demonstrating compliance with the above conditions may be required by staff.

Per Condition 6, staff has required a revised site plan. This site plan has not been received/approved as of writing.

Do not hesitate to reach out with any questions or comments. Please note that this variance will expire two years following its approval if the duplex has not yet been legally occupied by that time.



A Resolution approving the sale of a city owned property known as 0 Castalia Street, Memphis, TN 38114, Parcel ID# 031094 00031, 0.206 Acre Parcel

WHEREAS, the City of Memphis owns the property known as 0 Castalia Street, Memphis, TN 38106 ("The Property") and is further identified by Shelby County Tax Assessor as Parcel # 031094 00031 containing 0.206 acres, more or less;

WHEREAS, the sale of the subject Parcel will increase the General Fund, generate tax revenue, and eliminate blight and maintenance costs for the City of Memphis;

WHEREAS, Jack Whitaker, an adjoining property owner, submitted an offer of Three Hundred Dollars (\$300.00) along with a Thirty Dollar (\$30.00) Earnest Money deposit to the City of Memphis Real Estate Office; and

WHEREAS, Jack Whitaker has consulted with City of Memphis Engineering Division and has agreed to provide surveys and legal descriptions of the parcel and the easement that will be retained by the City, and

WHERAS, Jack Whitaker has agreed to grant the City with and easement on the parcel, and

WHEREAS, is it deemed to be in the best interest of the citizens of the City of Memphis and County of Shelby that this request be considered subject to the terms and conditions set forth in the Offer to Purchase and in City Ordinance 5637 section 2-16-1(E).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the offer made by Jack Whitaker for the above-described property is hereby accepted subject to the City Ordinance 5637, section 2-16-1 (E) which states in part, "The City real estate manager shall be authorized to convey property to a selected adjacent property owner, without the necessity of competitive bidding, for approval by the City Council with one reading, which reading shall be final."

BE IT FURTHER RESOLVED, that subject to the Ordinance, the City of Memphis Real Estate Office shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.

Summary Notes for Sale of 268 Bethel Avenue

Surplus property is being sold at 268 Bethel Avenue, Memphis TN. 38114 (Parcel ID 031094 00031), 0.119 Acres

Purchaser: Community Redevelopment Agency (CRA). CRA endeavors to redevelop these parcels for the betterment of the communities in the Uptown neighborhood and would like to acquire all interest in the aforementioned City-owned parcel.

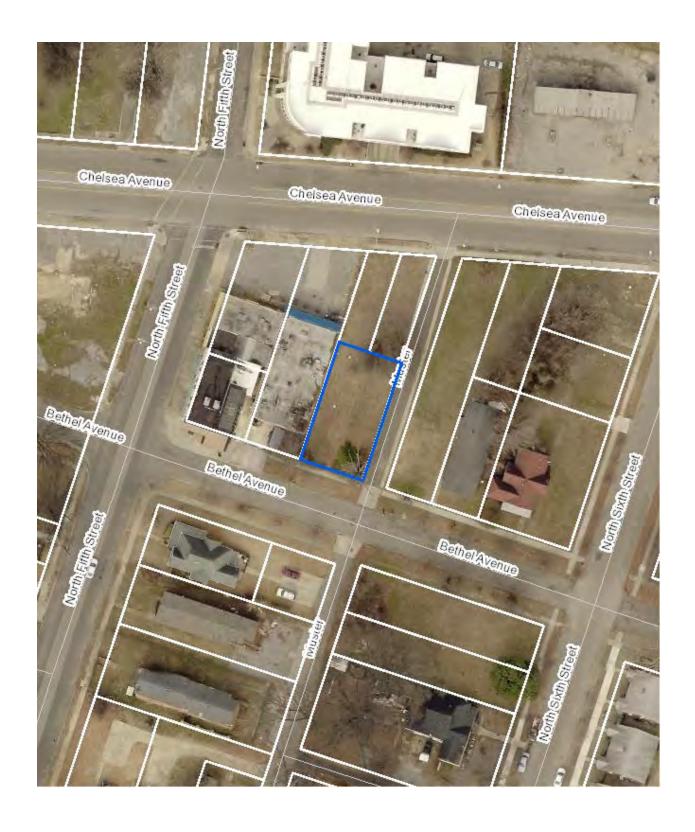
Council District 7 (Michalyn Easter-Thomas)

Super District 8 (Smiley, Johnson, Jones, Johnson)

Price of \$8,500 was determined based on a Market Value Appraisal

Requesting Council to approve the sale of 268 Bethel Avenue.

(SEE ATTACHED DOCUMENTATION FOR REFERENCE)



AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

THIS AGREEMENT ("Agreement") FOR SALE AND PURCHASE OF REAL PROPERTY made and entered into as of the _____ day of _____ 2022, by and between The City of Memphis, ("Seller") and Memphis and Shelby County Community Redevelopment Agency ("Purchaser")

WHEREAS, the Seller has agreed to sell, and the Purchaser has agreed to purchase, the property known as 268 Bethel, located in Memphis, Shelby County, Tennessee 38107 (the "Property").

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, the parties hereto, tending to be legally bound, covenant and agree as follows:

- **1. SALES AND PURCHASE.** Subject to the approval of the Memphis City Council, Seller does hereby covenant and agree to sell and convey the Property and all improvements, together with all appurtenances and hereditaments thereon or attached thereto, by good and sufficient Quit Claim Deed, to Purchaser and Purchaser covenants and agrees to purchase and accept the Property on the terms provided for herein.
- **1.1 Earnest Money.** Eight Hundred Fifty and 00/100. (\$850.00) (Certified/Cashier's Check, Money Order or Cash) to be applied on Purchase Price at closing.
- **2. TERMS OF PURCHASE.** The purchase and sale to be effected in accordance with the provisions of the Agreement shall be on the following terms:
- **2.1 Effective Date.** The effective date (herein called "Effective Date") shall be the date of execution by all parties to the Agreement as entered above.
 - **2.2 Purchase Price.** The price for the purchase and sell of the Property shall be Eight Thousand Five Hundred Dollars (\$8,500.00) which is the Fair Market Value as determined by an MAI Appraiser approved by the City of Memphis payable as cash at closing.
 - 2.3 Prorations and Closing Expenses.
 - (a) Purchaser and Seller to pay for their respective closing costs.
 - (b) All ad valorem taxes are to be prorated as of the Closing Date.
 - **2.4** Closing Attorney. Monice Hagler at Hagler Law Group, PLLC, 2650 Thousand Oaks Blvd., Suite 2140, Memphis, TN 38118.
 - **2.5** Closing Date. The closing shall occur on or before February 30, 2022.
- 3. REPRESENTATIONS, WARRANTIES AND COVENANTS OF PURCHASER AND SELLER.

- 3.1 Authority. Seller warrants that it will has the full right, power and authority to enter into this Agreement and to perform its obligations hereunder if all conditions precedents are satisfied or waived. Purchaser represents and warrants to Seller that Purchaser has the full right, power and authority to enter into this Agreement and to perform its obligations hereunder if all conditions precedents are satisfied or waived.
- **3.2 Title.** (a) Seller further warrants and represents to Purchaser, its successors, assigns and nominees that Seller will at Closing convey to Purchaser, or its designee, fee simple title to the Property by Quit Claim Deed, free and clear of all encumbrances, liens or defects of record in title.
- **3.3 Possession.** Seller further covenants, warrants, and represents to Purchaser that, physical possession of the Property will be delivered to Purchaser no later than three days after closing.
- **3.4** "As Is" Conveyance. Seller makes no warranties regarding the condition of the property and Purchaser and Seller acknowledge that the property will transfer as is.
- **4. DEFAULT AND REMEDIES.** In the event any party hereto shall fail to pay, perform, or observe any of the covenants undertaken by it herein to be paid, performed, or observed, then such party shall be deemed to be in default with respect hereto and subject to the remedies at law for such breach.

5. MISCELLANEOUS.

- **5.1 Entire Agreement; Interpretation.** This Agreement represents the entire agreement between the parties hereto and there are no collateral or oral agreements or understandings. This Agreement shall not be modified in any manner except by an instrument in writing executed by the parties.
- **5.2 Governing Law.** This instrument shall be governed by and construed in accordance with the laws of the State of Tennessee.
- **5.3 Broker and Commissions.** Seller and Purchaser represent and warrant each to other that it has not employed or retained any broker, agent, or other finder with respect to this Agreement.

6. SPECIAL CIRCUMSTANCES. None

7. DUE DILIGENCE. Purchaser shall have twenty (20) days to complete all due diligence necessary for the Purchaser to determine in their sole discretion that the sale is feasible. Purchaser shall not conduct destructive testing or disturb the condition of the property. Purchaser shall be responsible for any and all costs incurred during the Due Diligence period.

8. NOTICES. All Notices shall be in writing and delivered to the address set forth beneath by prepaid overnight delivery or U.S. postal service, postage pre-paid, certified or registered mail, return receipt requested and deemed received on the date confirmed by such overnight delivery service or on the date of receipt card.

Purchaser: City of Memphis and Shelby County

Community Redevelopment Agency Attn: Rosalyn Willis, President

850 N. Manassas

Memphis, Tennessee 38107

Seller: City of Memphis

Attn: Real Estate Manager

125 N. Main St.

Memphis, Tennessee, 38103

With a copy to: City Attorney

125 N. Main St.

Memphis, Tennessee, 38103

With a copy to: Hagler Law Group, PLLC

Attn: Monice Hagler

2650 Thousand Oaks Blvd. Suite 2140

Memphis, Tennessee, 38103

9. COUNTERPARTS. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

SIGNATURES FOLLOW ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first written above.

PURCHASER: SELLER:

MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY THE CITY OF MEMPHIS

By:	By:
Mckinley Martin, Jr. Title: Chairman	Jim Strickland, Mayor
Titie. Chairman	
	Approved As To Form:
	City Attorney
	General Services Director
	Real Estate Manager

City Council Resolution

A Resolution requesting the City of Memphis to transfer its ownership rights and interest of the parcel located at 268 Bethel Avenue, parcel # 022029 00011 in the Uptown TIF zone to the Community Redevelopment Agency

Whereas the City of Memphis is the owner of Parcel ID #022029 00011;

Whereas the Community Redevelopment Agency (CRA) works with communities to address blight and provide affordable housing through the use of the Tax Increment Financing (TIF) tool;

Whereas the CRA endeavors to redevelop these parcels for the betterment of the communities in the Uptown neighborhood and would like to acquire all interest in the aforementioned City-owned parcels;

Whereas the CRA has requested that the City of Memphis transfer its interest in Parcel ID #022029 00011; and

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said exchange be accepted subject to City Ordinance 2-16(F);

Now, therefore, be it resolved, by the Council of the City of Memphis that the request made by the Community Redevelopment Agency (CRA) for the above described property be hereby accepted subject to the City Ordinance 2-16(F) which states in part, "Property acquired by the city for redevelopment purposes may be conveyed upon such terms and conditions as it deems proper and without regard to the conveyance procedure outlined in subsection A of this section, upon passage of a resolution authorizing such sale or conveyance by the city council upon first reading, which reading shall be final."

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.

_	Client File #:	Memphis HCD	Appraisal F	ile#: Be	ethel - 268		
	Appraisal Report · Land						
AI Roporto™	Appraisal Compa						
AI Reports [™]		9 Spottswood Avenue, N		1			
Form 120.05*		33-7373 ex 101 Fax: 90		Website: www	w.trotzreale	estate.com	
Appraiser: Eric A. Trotz, MA			Co-Appraiser:				
• ` `	A 🔀 MAI 🗌 SRE		Al Membership (if a			SRPA AI-GRS AI-RRS	
	e for Designation	Practicing Affiliate	Al Affiliation (if any)		for Designation	Practicing Affiliate	
Other Professional Affiliation:	MAAR; TR; NA	R	Other Professional	Affiliation:			
E-mail: etrotz@trotzrealesta			E-mail:				
Client: Marcus D. Ward, Pl			Contact: Mr. Ma	arcus D. Ward,	atty.		
		Memphis, TN 38116					
Phone: 901-347-3978		901-800-1927	E-mail: mdwa	rd@mdwpllc.co	m		
SUBJECT PROPERTY IDENTIFIC							
Address: 268 Bethel Avenu	ue	Country Challer		Ctata:	TN1	7ID: 00407	
City: Memphis		County: Shelby		State:		ZIP: 38107	
Legal Description: No title w subject property.	ork was provide	d to the appraiser. It is re	commended that	the client obtain	a current	legal description of the	
Tax Parcel #: 022029 0001	1		RE Taxes:	\$0		Tax Year: 2021	
Use of the Real Estate As of the Da	te of Value:	Vacant Lot					
Use of the Real Estate Reflected in	Use of the Real Estate Reflected in the Appraisal: Vacant Lot						
Opinion of highest and best use (if		Vacant Lot					
SUBJECT PROPERTY HISTORY							
		of Housing and Commu					
Description and analysis of sales v aware of occurred on May 29,	, 2007 for \$10.00) per instrument number	07090305, as rec	orded in the Sh	elby Count		
Description and analysis of agreen contract or option on the subjection of the subje	ect property as o		I n	e appraiser is n	ot aware of	any current listing, sale	
Indication of Value by Sales Comp			\$ 8,500				
Indication of Value by Cost Approa	ch		\$ Not applic	able to assig	nment	-	
Indication of Value by Income App	roach		\$ Not applic	able to assig	nment		
Final Reconciliation of the Methods and Approaches to Value: See Supplemental Addendum.							
Opinion of Value as of: Exposure Time: Twelve to to			\$ 8,500				
		ns. See Supplemental Add					
*NOTICE: The Appraisal Institute put		othetical Conditions and	MARKET AND COME TO SELECT THE SECOND SECOND	ary Assumptions	and the second of the second of the second of	the following page.	

*NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute makes no representations, warranties or guarantees as to, and assumes no responsibility for, the data, analysis or work product, or third party certifications, verifications, data specifications, scores, indexes, or valuation tools, used or provided by the individual appraiser(s) or others in the specific contents of the Al Reports®. Al Reports® Al-120.05 Appraisal Report - Land® Appraisal Institute 2017, All Rights Reserved

Page # 2

Client:	Marcus D. Ward, PLLC c/o Marcus D. Ward, atty.	Client File #:	Memphis HCD	
Subject Property:	268 Bethel Avenue, Memphis, TN 38107	Appraisal File #:	Bethel - 268	

ASSIGNMENT PARAMETERS	
Intended User(s): Marcus D. Ward, atty.	
Intended Use: Proposed acquisition.	
This report is not intended by the appraiser for any other use or by any other user.	
Type of Value: Market Value Eff	ective Date of Value: 9/12/21
Interest Appraised: X Fee Simple Leasehold Other	
Hypothetical Conditions: (A hypothetical condition is that which is contrary to of analysis. Any hypothetical condition may affect the assignment results.) N	o what exists, but is asserted by the appraiser for the purpose one
Extraordinary Assumptions: (An extraordinary assumption is directly related to be factual. If found to be false this assumption could alter the appraiser's the assignment results.) None	
This is an Appraisal Report in accordance with Standard Rule 2-2(a) of the Uniform St	andard of Professional Appraisal Practice (USPAP).
SCOPE OF WORK	
Definition: The scope of work is the type and extent of research and analyst property is identified, the extent to which tangible property is inspected, the applied to arrive at credible opinions or conclusions. The specific scope of the second se	type and extent of data research, and the type and extent of analysis
Scope of Subject Property Inspection/Data Sources Utilized	Approaches to Value Developed
Appraiser	Cost Approach:
Property Inspection: 🔀 Yes 🗌 No	☐ Is necessary for credible results and is developed in this analysis
Date of Inspection: 9/12/21	Is not necessary for credible results; not developed in this analysis
Describe Scope of Property Inspection, Source of Area Calculations and Data Sources Consulted: Chandler Reports, MAARdata, and the	Is not necessary for credible results but is developed in this analysis
MAAR Multiple Listing Service (MLS)	Sales Comparison Approach:
	Is necessary for credible results and is developed in this analysis
Co-Appraiser	s not necessary for credible results; not developed in this analysis
Property Inspection:	Is not necessary for credible results but is developed in this analysis
Date of Inspection:	
Describe Scope of Property Inspection, Source of Area Calculations and Data Sources Consulted:	Income Approach: Is necessary for credible results and is developed in this analysis Is not necessary for credible results; not developed in this analysis Is not necessary for credible results but is developed in this analysis
Additional Scope of Work Comments: See Supplemental Addendum.	
Significant Real Property Appraisal Assistance: 🔀 None 🗌 Disclose Nam	ne(s) and contribution:

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Page # 3

Client:	Marcus D. V	/ard, PLLC	c/o Marcus I	D. Ward, att	y	CI	ient File #:	100° 1	Memphis HCD
Subject Property:	268 Bethel A	venue, Mer	mphis, TN 38	3107		A	praisal File #:		Bethel - 268
MARKET AREA ANALY	SIS								
Location	Built Up		Growth		Supply & Deman	d	Value Trend		Typical Marketing Time
□ Urban	Under 25	%	Rapid		Shortage		Increasin	g	Under 3 Months
Suburban 🗌	25-75%		Stable		🔀 In Balance		★ Stable		3-6 Months
Rural	X Over 75%		⊠ Slow		Over Supply		Decreasi	ng	Over 6 Months
Neighborhood Si Price	ngle Family Pro	_		Neighborho	od Land Use		Neighborhoo	d Name:	Bethel
		Age	4 Familia	250	Camananaial	450/	PUD C	ondo 🗌	HOA· \$
	OW	New	1 Family		Commercial _	15%	Amenities:	JIIGU 🗀	ПОΑ. φ /
	igh	90	Condo		Vacant _	10%	Amenines.		
\$50,000 Predo	minant	60	Multifamily	15%	Industrial _	25%			
Market area description a	nd characterist	ics:	The subject	t immediate	neighborhood	l is locate	d approxima	itely 1.1	miles north of the
Downtown Memphis C	Central Busin	ess District	(CBD). This	neighborho	od is an older i	nner city a	area which o	onsists	primarily of older
industrial uses to the r	north, and res	sidential, mi	xed use or va	acant prope	rties to the sou	ıth. This lo	cation is on	e of Me	mphis' first industrial and
residential areas and	many of the i	mproved str	uctures, som	ne of which	are now vacan	t and dila	oidated, wer	e const	ructed between 1940 and
1970. The subject are	a is located i	n close prox	imity to the r	orth end of	downtown Me	mphis wh	ich is the ho	me of M	lud Island, Bass Pro at
the Pyramid, St. Jude	Children's R	esearch Ho	spital, the Pir	nch District	and the Snuff I	District. T	nis area is e	asily ac	cessed from all
directions, and conver	nience from t	his neighboi	rhood to othe	er areas of t	he city is good	. The gen	eral appear	ance of	most properties ranges
from poor to average,	with fair bein	g predomin	ant. For the r	most part th	e immediate s	ubject are	a has exper	ienced s	significant economic
decline for several dec	cades and ha	is been an a	area of signifi	cant blight.	There are mar	ny vacant	lots in the in	nmediat	te and general vicinity
								_	subject property. There
						including	various affil	iates of	the City of Memphis. For
additional information	please see t	ne Market D	ata Brochure	e dated Apri	17, 2020.				
SITE ANALYSIS									
Dimensions: 49.2	5' x 105'/106				Area: 0.11	193 Acres	or 5,196 Sc	uare Fe	eet
View: Corner Lot					Shape: Rectangular				
Drainage: Appears	s Adequate					rage			
Site Similarity/Conformi		hood			Zoning/Deed I			70 1 70	
Size:		View:			Zoning: MU	(NC) - Mix	ed Use	Covena	ints, Condition & Restrictions
Smaller than Typical		Favorabl	e		(Neighborhoo			☐ Yes	
▼ Typical		▼ Typical				No zonir		Docum	ents Reviewed
			n Favorable		Legal, non-		-	☐ Yes	_
Larger than Typical		Less ma	n Favorable		☐ Legal, Hori-	Comorning			
Utilities		1. 19. 19. 18. 18.			Off Site Improv	romonto		Ground	Rent \$ /
	.blic Dub						Duty and		
Electric P				***	Street	N Publ			aved asphalt
Gas 🔀 Pi	ublic 🗌 Oth	er			Alley	🔀 Publ		te <u>Mı</u>	uster Alley - paved
Water X P	ublic 🗌 Oth	er			Sidewalk	🗙 Publ	ic 🗌 Priva	te <u>Pc</u>	oured concrete
Sewer X P	ublic 🗌 Oth	er			Street Lights	X Publ	ic 🗌 Priva	te St	andard pole
Site description and char	acteristics:	The ci	shiect eite is to	mical of the r	najority of MILIo	te within th	ie neighborha	od The	subject's zoning also includes
									lings within the Neighborhood
				-					007, the subject property
l'									
does not appear to be situated within a flood hazard area. This is a flood category determination only and not a flood zone certification. There are no									
easements or restrictions known to exist that would effect the subject property site. However, it should be noted that a full site evaluation could be more accurately addressed by a qualified professional such as a civil engineer or surveyor. Surrounding uses of the subject property are as follows: North - vacant									
				_	-	_			encing, poured concrete steps,
and trees that are in poo				_		vacant IUI.	THE OIGHT CH	an milk le	anomy, poured concrete steps,
HIGHEST AND BEST U			value to the Si	apleor brober			79/27/24/00		
							SESTEMBER 11 LINE	A SHE	
EN 11000H 000			ner		-				
Summary of highest and	Proposed Use	Oth		highest on	nd heet use and	alveie woo	not warrant	ted to o	olve the appraisal problem
Summary of highest and	Proposed Use best use analy	Oth	A full-scale						olve the appraisal problem.
The highest and best	Proposed Use best use analy use as if vac	☐ 0th sis: ant is to ren	A full-scale	Since there	are no improv	ements pr	esent, the h	ighest a	and best use analysis as if
The highest and best	Proposed Use best use analy use as if vac e warranted.	☐ 0th sis: ant is to ren The above	A full-scale	Since there	are no improv	ements pr	esent, the h	ighest a	

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Client:	Marcus D. Ward, PLLC c/o Marcus D. Ward, atty.	Client File #:	Memphis HCD	
Subject Property:	268 Bethel Avenue, Memphis, TN 38107	Appraisal File #:	Bethel - 268	

SITE VALUATION	使对于有意思理由	TERROR TRANSPORT						
Site Valuation Methodology								
Sales Comparison Approach: A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.								
Market Extraction: A method of estimating land value in which the depreciated cost of the improvements on the improved property is estimated and deducted from the total sale price to arrive at an estimated sale price for the land; most effective when the improvements contribute little to the total sale price of the property.								
Alternative Method: (De	escribe methodology and	rationale)						
monday modes. (50	sonso monocology and	Tallonaloy						
Site Valuation								
ITEM	SUBJECT	COMPARIS	SON 1	COMPAR	NSON 2	COMPAR	ISUN 3	
Address 268 Bethel		629 Alabama Ave		0 Jackson Avenu		226 N. Manassas		
Memphis,		Memphis, TN 381		Memphis, TN 38		Memphis, TN 38		
Proximity to Subject	1100107	1.3 miles south	00	1.1 miles southe		1.6 miles souther		
Data Source/		CRS Data; Review	w Deed:	CRS Data; Revie		CRS Data; Revie		
Verification		Chandler; Buyer	., 2000,	Chandler; Buyer	•	MLS; Agent	W Bood,	
Sales Price	\$ N/A		\$ 6,667		\$ 7,500		\$ 15,000	
Price / Lot	\$ N//		\$ 6,667		\$ 7,500		\$ 15,000	
Sale Date	N/A	4/8/21		11/10/20	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	9/30/20		
Location	Bethel	Alabama		Jackson		Manassas	-2,000	
Site Size	0.1193 Acres	0.06 Acres	+6,600	0.14 Acres	-1,100	0.225 Acres	-7,000	
Site View	Corner Lot	Inside Lot		Inside Lot		Inside Lot		
Site Improvements	None	None		None		None		
Conditions of Sale	Normal	Buyer	-3,000	Normal		Seller	+3,750	
Topography	Level	Level		Level		Level		
Net Adjustment		X + □-	\$ 3,600	+ X	\$ -1,100	+ X-	\$ -5,250	
		Net Adj. 54.0 %	b	Net Adj. 14.7	%	Net Adj. 35°	%	
Indicated Value		Gross Adj. 144.0 %	\$ 10,267	Gross Adj. 14.7	% \$ 6,400	Gross Adj. 85°	% \$ 9,750	
Prior Transfer		No sales w	ithin the	No sales v	within the	No sales v	vithin the	
History	N/A	past three	e years	past thre	e years	past thre	e years	
Site Valuation Comments:	Generally, nu	merous sales of exa	act identical pro	operties do not se	ell within a limite	ed time frame or w	ithin a	
certain short period of time. Therefore, in choosing comparable sales, those comparables having the best combination of the following characteristics were chosen: 1) properties most similar to the subject with regard to physical characteristics, zoning, and tenant or								
owner-occupant use profiles; 2) properties in the same neighborhood as the subject, or similar competing neighborhood, which cater to the same market; and 3) properties that have most recently been sold.								
Site Valuation Reconciliation: See Supplemental Addendum.								
Online of City Val		Name of the Control o						
Opinion of Site Value			\$ 8	3,500				

^{*}NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute makes no representations, warranties or guarantees as to, and assumes no responsibility for, the data, analysis or work product, or third party certifications, verifications, data specifications, scores, indexes, or valuation tools, used or provided by the individual appraiser(s) or others in the specific contents of the Al Reports®. Al Reports® Al-120.05 Appraisal Report - Land© Appraisal Institute 2017, All Rights Reserved

Supplemental Addendum

File No. Bethel - 268 Eric A. Trotz, MAI, AI-GRS, GAA Property Address 268 Bethel Avenue County Shelby State TN Zip Code 38107 Memphis Marcus D. Ward, PLLC c/o Marcus D. Ward, atty.

Purpose of the Appraisal

Appraiser

City

Client

The purpose of this appraisal is to develop an opinion of the market value of the fee simple estate of the subject property, in terms equivalent to cash, as of September 12, 2021, which is the date of the appraiser's inspection.

This appraisal incorporates the Market Data Brochure (MDB) for this project dated April 7, 2020, as well as any updates to the brochure. The appraisal report and MDB set forth the data, research, analysis and conclusions for this appraisal. It should be noted that this report cannot be understood properly without having reviewed the MDB.

Final Reconciliation of the Methods and Approaches to Value

When more than one valuation approach is applied, each approach typically results in a different indication of value. Therefore, if two or more approaches are used, the appraiser must reconcile the different value conclusions. Reconciliation is the analysis of alternative value indications to determine a final value conclusion. Reconciliation includes a review of the entire valuation process that would consider the validity, consistency, and authenticity of data found. Reconciliation also involves the appraiser weighing the relative significance, applicability, strengths and weaknesses, and defensibility of each value indication.

For this appraisal, final reconciliation was not necessary as only the sales comparison approach was used to estimate the market value of the subject property.

In the subject's neighborhood, the sales comparison approach is the most common method of valuing vacant lots. This approach assumes that an informed purchaser would pay no more for a property than the cost of acquiring another existing property with the same utility. The sales comparison approach is the process whereby an estimate of market value is derived by analyzing the market for similar properties and comparing these properties to the subject. In this approach, data on comparable property sales is gathered and analyzed. Price adjustments are made to comparable properties for the elements of comparison that affect value. The sales used are considered to be the most reliable comparables present out of others which were also considered. The income approach is most applicable when a bona fide rental is currently in place and there is sufficient market data from competitive rentals to indicate a likely net income. The subject property is not currently being rented and there is no data present for rentals of this type of property. Therefore, the income approach would not be applicable. There are no improvements present. Therefore, the cost approach would not be applicable to this assignment.

Exposure Time

Exposure time is the estimated length of time that the property interest being appraiser would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market. Exposure time assumes that an adequate, sufficient, and reasonable effort and a professional marketing plan would have been employed by the property owner.

Supplemental Addendum

File No. Bethel - 268 Eric A. Trotz, MAI, AI-GRS, GAA Appraiser **Property Address** 268 Bethel Avenue County Shelby State TN Zip Code 38107 City Memphis Client Marcus D. Ward, PLLC c/o Marcus D. Ward, atty-

Scope of Work Comments

Per USPAP, a personal inspection is defined as "a physical observation performed to assist in identifying relevant property characteristics in a valuation service." An appraiser's inspection is typically limited to those things readily observable without the use of special testing or equipment. Appraisals of some types of property, such as gems and jewelry, may require the use of specialized equipment. An inspection by an appraiser is not the equivalent of an inspection by an inspection professional (e.g., a structural engineer, home inspector, or art conservator). My inspection as noted in the Scope of Work consisted of a curbside USPAP defined appraisal inspection of the subject property. No environmental assessment of the subject property was made. I did not perform a survey or prepare a title search; however, there are no apparent easements, encroachments or adverse site conditions present at the subject property of which I am aware. Based on this limited observation, should the client determine that a full site inspection is needed, it is recommended that the services of an engineer or professional surveyor by employed to accurately ascertain the site conditions of the subject property. In addition to inspecting the subject property, the major scope of work items that pertain to this assignment, at a minimum, include: identification of the subject property; determined and performed the scope of work necessary to develop credible assignment results; identification of the client; identification of the problem to be solved, the intended user(s) and the intended use; identification of property characteristics that are relevant to the assignment (e.g. interest valued, physical and legal characteristics); identification of assignment conditions (hypothetical conditions or extraordinary assumptions); researched public records and available market data, and collected factual information about the subject and surrounding market; developed an opinion of the highest and best use of the real estate; researched Chandler Reports, LLC, MAARdata and the Multiple Listing Service (MLS) for comparable sales information; a drive-by curbside observation was made of all comparable sales; analyzed market information and reconciled data to reach a conclusion of market value; prepared an Appraisal Report in compliance with USPAP and the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.

Site Valuation Reconciliation

All sales were adjusted under the site size category to reflect size differences between the comparable sales and the subject property. Sale No. 1 is a very small lot which has limited usability; however, this lot could be assembled with the lots on either side to create a better overall property. The sale price is inflated due to circumstances surrounding this sale. Therefore, a downward adjustment was necessary due to conditions of sale which involved buyer motivation - Sale No. 2 was previously acquired on June 4, 2016 for \$1,000 in a resale of a Shelby County delinquent tax property. Besides the site size adjustment, no further adjustments were necessary. Sale No. 3 was previously acquired on March 23, 2017 for \$1,500 in a resale of a Shelby County delinquent tax property. Its location is superior to the subject property and a downward adjustment was necessary due to superior location. Per the agent, the seller sold this property at a discount in order to facilitate a quick sale. Therefore, an upward adjustment was necessary due to conditions of sale which included seller motivation.

In the reconciliation phase, consideration was given to Sale No. 1 due to its recent date of sale. However, that sale is weakened due to the buyer motivation present and the very small site size which inflated the unit price paid. Sale No. 2 was given consideration due to its similar site size. However, the unit price paid lies towards the lower portion of MU land prices and this sale is somewhat weakened due to that characteristic. Sale No. 3 was given consideration due to its good sale confirmation; however, this sale is weakened by its much larger site size as compared to the subject property. Additional consideration was given to other recent neighborhood sales of similar land as compared to the subject property including the

Supplemental Addendum

File No. Bethel - 268

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus	D. Ward, attv.						

July 24, 2020 sale located in the immediate area at the southwest corner of N. Sixth Street and Chelsea Avenue which transacted at \$10,000, or \$1.35 per square foot. This is an older sale which would have a lower unit value as compared to the subject property.

Considering all relevant factors, it has been estimated that the market value of the subject property would lie towards the middle portion of the final adjusted range, or \$8,500.

Client:	Marcus D. Ward, PLLC c/o Marcus D. Ward, atty.	Client File #:	Memphis HCD
Subject Property:	268 Bethel Avenue, Memphis, TN 38107	Appraisal File #:	Bethel - 268

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following assumptions and limiting conditions:

- This report is prepared using forms developed and copyrighted by the Appraisal Institute. However, the content, analyses, and opinions set forth in this report are the sole product of the appraiser. The Appraisal Institute is not liable for any of the content, analyses, or opinions set forth herein.
- No responsibility is assumed for matters legal in character or nature. No opinion is rendered as to title, which is assumed to be good and marketable. All existing liens, encumbrances, and assessments have been disregarded, unless otherwise noted, and the property is appraised as though free and clear, having responsible ownership and competent management.
- I have examined the property described herein exclusively for the purposes of identification and description of the real property. The objective of my data collection is to develop an opinion of the highest and best use of the subject property and make meaningful comparisons in the valuation of the property. The appraiser's observations and reporting of the subject improvements are for the appraisal process and valuation purposes only and should not be considered as a warranty of any component of the property. This appraisal assumes (unless otherwise specifically stated) that the subject is structurally sound and all components are in working condition.
- I will not be required to give testimony or appear in court because of having made an appraisal of the property in question, unless specific arrangements to do so have been made in advance, or as otherwise required by law.
- I have noted in this appraisal report any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) discovered during the data collection process in performing the appraisal. Unless otherwise stated in this appraisal report, I have no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and have assumed that there are no such conditions and make no guarantees or warranties, express or implied. I will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because I am not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable public and/or private sources that I believe to be true and correct.
- I will not disclose the contents of this appraisal report except as provided for in the Standards and Ethical Rules under which this appraisal was developed and reported and/or applicable federal, state or local laws.
- The Client is the party or parties who engage an appraiser (by employment contract) in a specific assignment. A party receiving a copy of this report from the client does not, as a consequence, become a party to the appraiser-client relationship. Any person who receives a copy of this appraisal report as a consequence of disclosure requirements that apply to an appraiser's client, does not become an intended user of this report unless the client specifically identified them at the time of the assignment. The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public through advertising, public relations, news, sales, or other modia.
- If this valuation conclusion is subject to satisfactory completion, repairs, or alterations, it is assumed that the improvements will be completed competently and without significant deviation.

Excluding the addenda, a true and complete copy of this report contains 21 pages. The appraisal report may not be properly understood without reviewing the entire report and the Market Data Brochure dated April 7, 2020.

VALUE DEFINITION

Market Value Definition (below)

Alternate Value Definition (attached)

MARKET VALUE is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1. buyer and seller are typically motivated;
- 2. both parties are well informed or well advised and acting in what they consider their own best interests;
- 3. a reasonable time is allowed for exposure in the open market;
- 4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- 5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

 Source: The Dictionary of Real Estate Appraisal, 6th ed., Appraisal Institute

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Client:	Marcus D. Ward, PLLC c/o Marcus D. Ward, at	ty.	Client File #:	Memphis HCD						
Subject Property:	268 Bethel Avenue, Memphis, TN 38107		Appraisal File #:	Bethel - 268						
APPRAISER CERTIFI										
• .	f my knowledge and belief:									
	ct contained in this report are true and correct.	t accumutions and limitin	a conditions and are m	vy porognol						
 The reported analysis, opinions, and conclusions are limited only by the report assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions. 										
•	 I have no present (unless specified below) or prospective interest in the property that is the subject of this report, and I have no (unless specified below) personal interest with respect to the parties involved. 									
■ I have no bias with re	I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.									
■ My engagement in th	is assignment was not contingent upon the developing o	or reporting predetermined	l results.							
in value that favors th	My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.									
My analysis, opinions Professional Apprais	s, and conclusions were developed, and this report has all Practice.	peen prepared, in conform	nity with the Uniform St	andards of						
	provided significant real property appraisal assistance a cope of Work section of this report.	ire named below. The spe	cific tasks performed b	y those named						
■ None □ N	Name(s)									
	As previously identified in the Scope of Work section of this report, the signer(s) of this report certify to the inspection of the property that is the subject of this report as follows:									
Property Inspected b	y Appraiser 💢 Yes 🗌 No									
Property Inspected b	y Co-Appraiser									
	s an appraiser or in any other capacity, regarding the proveceding acceptance of this assignment:		f this report within the t vices provided:	hree-year						
This appraisal is not	based on a requested minimum valuation, a specific	aluation or the approval	of a loan.							
As of the date of this	s report, I have completed the continuing education pro	ogram for Designated Me	embers of the Appraisa	l Institute.						
ADDITIONAL OFFITI	COATION FOR ARREST ALCAL INICITIVE MACABO	TOC CANDIDATEC A	ND DDAOTIOING AI	TELLIATEO						
	FICATION FOR APPRAISAL INSTITUTE MEMBI		ND PRACTICING A	-FILIATES						
	nated Member, Candidate for Designation, or Practicing es, opinions, and conclusions were developed, and this i	•	in conformity with the	equirements of						
•	onal Ethics and the Standards of Professional Appraisal		· ·	equilements of						
■ The use of this repor	t is subject to the requirements of the Appraisal Institute	relating to review by its d	uly authorized represen	tatives.						
•										
APPRAISERS SIGNA	TURES									
APPRAISER:	TONES (CO-APPRAISER:								
Signature	En hot	Signature								
	z, MAI, AI-GRS, GAA	Name								
Report Date 9/22/21		Report Date								
Trainee Licensed			ed Certified Resi	dential Certified General						
License # CG-1174		License #		State						
	ust 3, 2023	Expiration Date								

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Neighborhood Map

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus I) Ward atty						



Form MAP LT.LOC - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

Photograph Addendum

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA	1						
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marc	cus D. Ward, attv.						



Subject property - front view - looking northeast



Subject property - front view - looking north

Photograph Addendum

Appraiser	Eric A. Trotz, MAI, AI-GRS, GA	A						
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Ma	rcus D. Ward, attv.						



Subject property - front and side view - looking northwest



Subject property - side view - looking southwest

Photograph Addendum

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus	D. Ward, attv.						



Subject property - rear view - looking southeast



Typical street scene - looking east along Bethel Avenue - subject property on left

Photograph Addendum

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus I) Ward atty						



Typical street scene - looking west along Bethel Avenue - subject property on right



Typical view of Muster Alley - looking north - subject property on left

Photograph Addendum

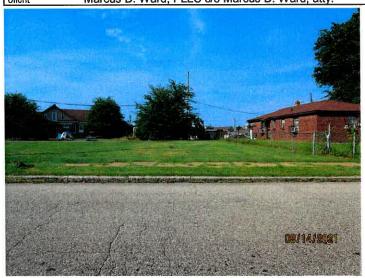
Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus D). Ward, attv.						



Typical view of Muster Alley - looking south - subject property on right

Comparable Photos

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus I) Ward atty						



Comparable 1

Address: 629 Alabama Avenue

Proximity to Subject: 1.3 miles south Sales Price: \$6,667

Date of Sale: April 8, 2021

Site Size:

0.06 Acres



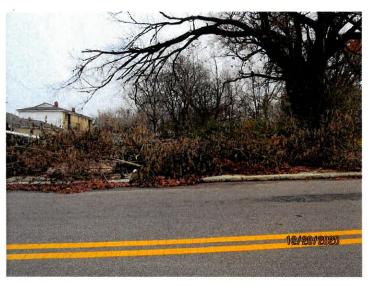
Comparable 2

Address: **0 Jackson Avenue**Proximity to Subject: 1.1 miles southeast

Sales Price: \$7,500

Date of Sale: November 10, 2020

Site Size: 0.14 Acres



Comparable 3

Address: 226 N. Manassas Street

Proximity to Subject: 1.6 miles southeast

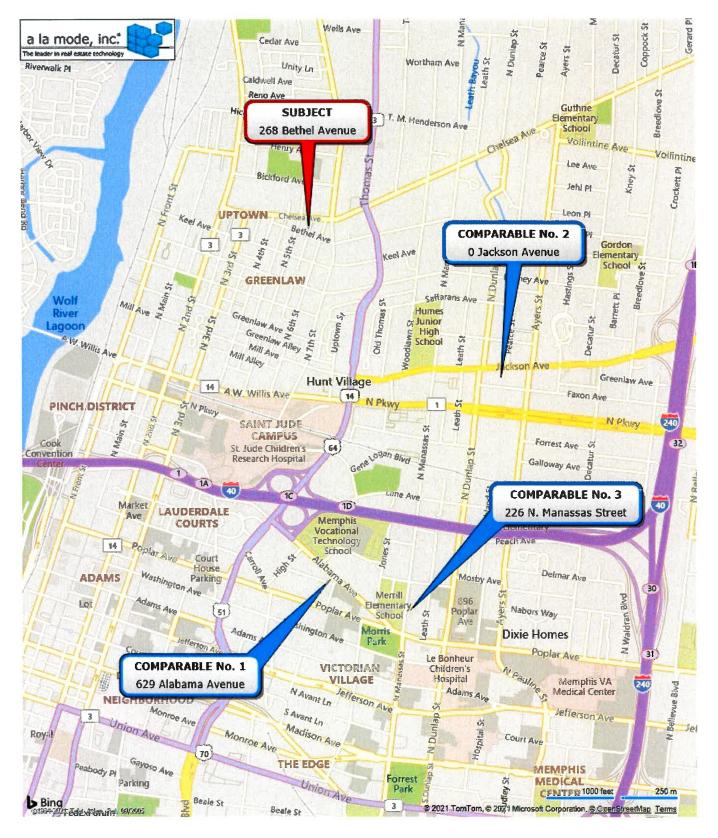
Sales Price: \$15,000

Date of Sale: September 30, 2020

Site Size: 0.225 Acres

Comparable Land Sales Map

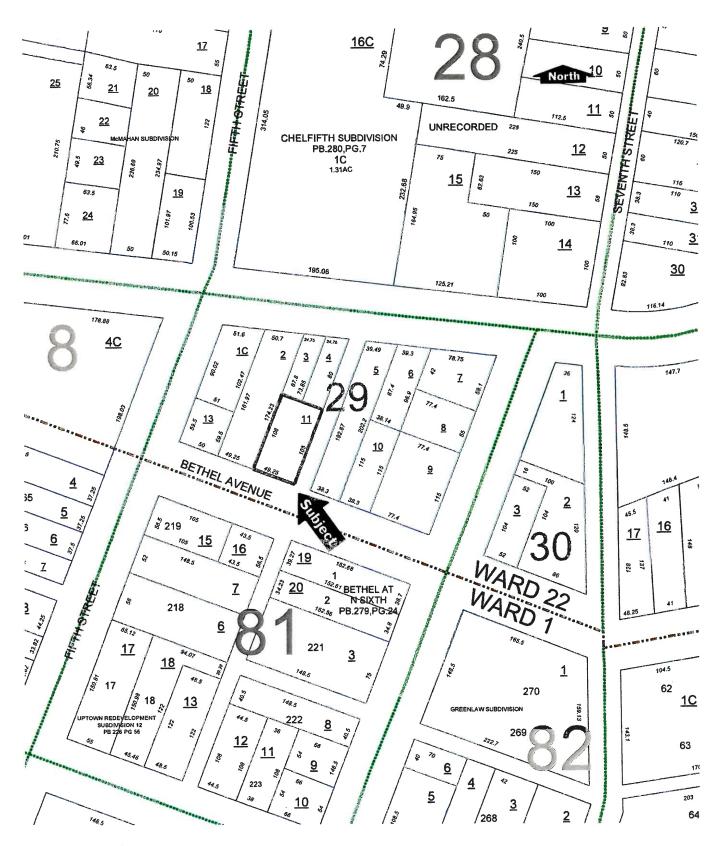
Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA				******			
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State 7	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus	D. Ward, attv.						



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Tax Plat

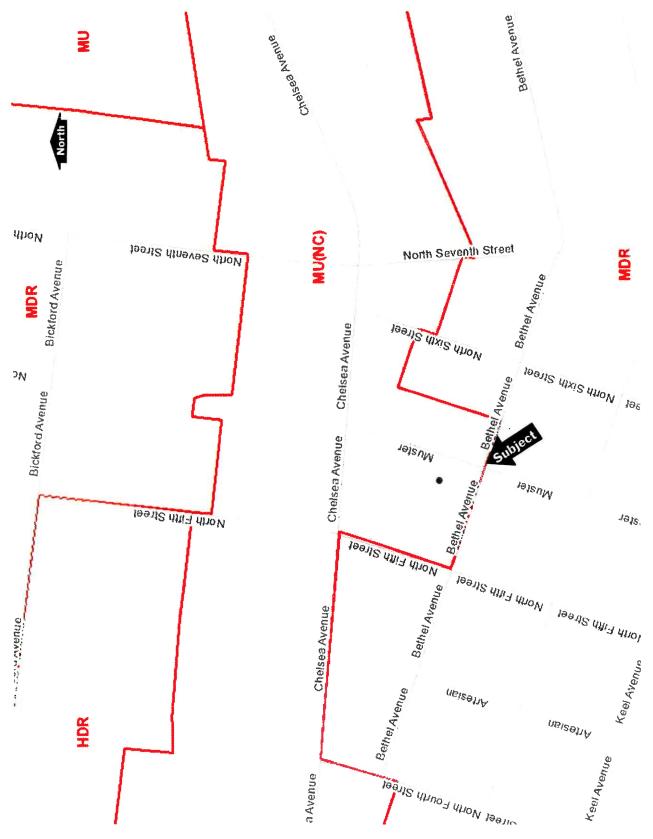
Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
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City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus	D. Ward, attv.						



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Zoning Map

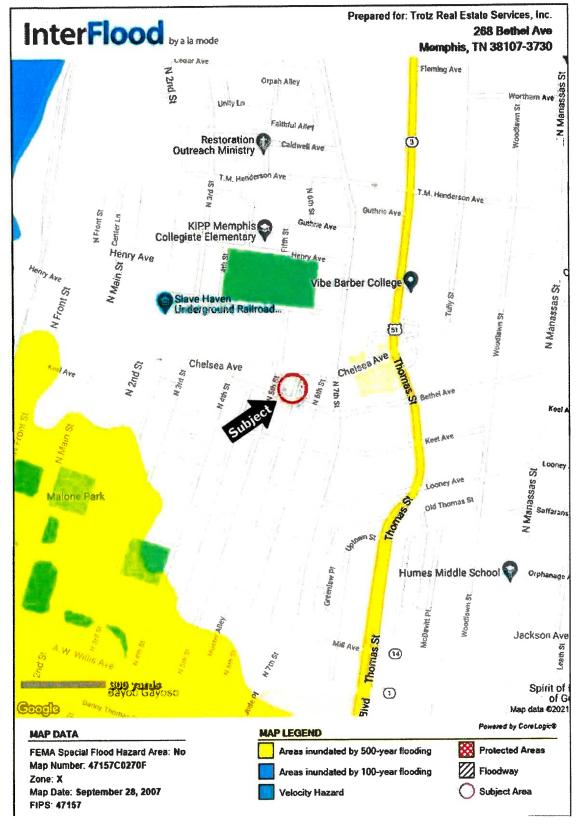
Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus	D. Ward, attv.						



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Flood Map

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA							
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus	D. Ward, attv.						



Aerial View

Appraiser	Eric A. Trotz, MAI, AI-GRS, GAA	-						
Property Address	268 Bethel Avenue							
City	Memphis	County	Shelby	State	TN	Zip Code	38107	
Client	Marcus D. Ward, PLLC c/o Marcus I). Ward, attv.						



Form MAP LT.LOC - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE



QUALIFICATIONS OF THE APPRAISER ERIC A. TROTZ, MAI, AI-GRS, GAA

BUSINESS

President - Trotz Real Estate Services, Inc., Memphis, Shelby County, Tennessee.

Since 1984 - Engaged in the sales and leasing of residential, commercial and industrial properties.

Since 1990 - Engaged in the appraisal and consulting of the following types of property: commercial, industrial, office, retail, residential, multifamily, special purpose and vacant land.

EDUCATION

College:

University of Tennessee, Knoxville - Bachelor of Business Degree

Professional Courses Completed:

Principles of Real Estate, Memphis State University; Office Brokerage and Management, Memphis State University; Basic Construction and Design Course, Memphis State University; Course 1A1/8-1, Real Estate Appraisal Principles, American Institute of Real Estate Appraisers; Course 8-2 Residential Valuation, American Institute of Real Estate Appraisers; Course 1A2, Basic Valuation Procedures, Appraisal Institute; Course SPP, Standards of Professional Practice Part A and B, Appraisal Institute; Course SPP-430, Standards of Professional Practice, Part C, Appraisal Institute; Course 1BA, Capitalization Theory & Techniques, Part A, Appraisal Institute; Course 1BB, Capitalization Theory & Techniques, Part B, Appraisal Institute; Course 540, Report Writing and Valuation Analysis, Appraisal Institute; Course 550, Advanced Applications (Case Studies), Appraisal Institute; Course Comprehensive Appraisal Workshop, The Comprehensive Appraisal Workshop/Ted Whitmer, Review Theory - General

Seminars for Continuing Education Credit:

Accrued Depreciation; Appraisal Regulations of the Federal Banking Agencies; Appraisal Reporting of Complex Residential Properties; Understanding Limited Appraisals and Reporting Options; The High Tech Appraisal Office; Litigation Skills for the Appraiser; Appraisal Office Management, FHA and the Appraisal Process; Fundamentals of Relocation Appraising; Analyzing Commercial Lease Clauses; Evaluating Commercial Construction; Evaluating Residential Construction; Analyzing Operating Expenses; Appraisal Consulting; New Technology for Real Estate Appraisers; Professionals Guide to the URAR; Real Estate Investment and Development - A Valuation Viewpoint; Forecasting Revenue; Eminent Domain and Condemnation; National Association of Realtors Quadrennial Ethics Training; REO Appraisal: Appraisal of Residential Property for Foreclosure and Pre-Foreclosure; The New Residential Market Conditions Form; Real Estate Appraisal Operations; Appraisal Curriculum Overview (2-Day General); The Discounted Cash Flow Model; Mortgage Fraud and the TN Real Estate Appraiser Commission; Using Spreadsheet Programs in Real Estate Appraisals: The Basics; Data Verification Methods; Litigation Appraising for Residential Appraisers; Complex Litigation Appraisal Case Studies; Marketability Studies: Advanced Considerations & Applications; Cool Tools: New Technology for Real Estate Appraisers; The Appraiser as an Expert Witness: Preparation & Testimony; Thinking Outside the Form; Business Practice and Ethics; Compliance, Completeness & Competency; Advanced Land Valuation; Case Studies in Complex Valuation; IRWA Land Acquisition and Relocation Workshop; National USPAP Update 2020-2021; Appraising Convenience Stores; Complex Litigation Case Studies; Pipeline and Corridor Easements

PROFESSIONAL AFFILIATIONS

National Association of REALTORS; Tennessee REALTORS; Memphis Area Association of REALTORS; NAREB

Appraisal Institute - Designated MAI Member; Designated AI-GRS Member

National Association of REALTORS – Designated GAA General Accredited Appraiser

ERIC A. TROTZ, MAI, AI-GRS, GAA (CONTINUED)

TYPICAL APPRAISAL CLIENTS

Banks:

First Tennessee National Bank

SunTrust Bank

Tennessee Bank and Trust

Bank of America

BancorpSouth

Cadence Bank

Bank of Bartlett

INSOUTH Bank

American Savings Bank

Regions Bank

Mortgage Bankers:

H & R Block Mortgage Company

Atlantic Mortgage Company

CitiMortgage, Inc. Option One Lending

First Trust Mortgage

Financial Federal Mortgage Co.

Sebring Capital Corporation GE Capital Asset Management

Huntington Mortgage Company

Employee Transfer Companies:

Cartus Corporation

Schering-Plough Corporation **Graebel Relocation Services**

Weichert Relocation Company

National Medical Resources

Royal LePage Relocation Services

Burgdorff Realtors

Corporate Relocation International

Crown Relocations Newell Rubbermaid

Roadway Express, Inc.

Aluminum Corp. of America (Alcoa)

U.S. Relocation Co.

Municipalities and Governmental Authorities:

County of Shelby, Tennessee

City of Memphis, Tennessee Town of Arlington, Tennessee

Town of Collierville, Tennessee

Veterans Administration (VA)

Shelby County Schools

Memphis City Schools

Memphis Area Transit Authority (MATA)

Tennessee Valley Authority (TVA)

TN Department of Transportation (TDOT)

Downtown Memphis Commission

City of Covington, Tennessee

Covington, TN Municipal Airport City of Germantown, Tennessee

City of Millington, TN

Memphis Light, Gas & Water Division (MLG&W)

Tennessee Department of Finance and Administration

Federal Housing Administration (FHA)

Memphis-Shelby County Airport Authority (MSCAA)

Memphis Housing Authority (MHA)

Memphis Center City Revenue Finance Corporation

Memphis & Shelby County Community

Redevelopment Agency

Multi-Family:

KEB NY Financial Corporation

Wachovia

Federal Home Loan Mortgage Corp.

Manufacturing/Industrial:

Delta Foremost Chemical Corp.

Aluma-Form, Incorporated Sodexho Management Services Delta-Detroit Diesel Allison

Hershey Foods

Cargill, Inc.

Special Case Studies:

Ray-O-Vac Corporation; Chicago Title Insurance Company; GTE Mobilnet/Contel Cellular, Inc.; Baptist Memorial Health Care System; Perkins Interstate Company; Mid-America Pipeline Company (MAPCO); PriceWaterhouseCoopers

Miscellaneous:

University of Tennessee; Lawyers Title Insurance Corporation; First American Title Insurance Company; BNSF Railway Corporation; ALSAC/St. Jude Children's Research Hospital; Catholic Diocese of Memphis; Westinghouse Credit Corporation; National Realty Advisors, Inc.; Methodist Health Systems, Inc.; St. Francis Hospital; TransCanada Pipeline Limited/ANR Pipeline; Downtown Memphis Commission; Numerous Attorneys and Individuals

ERIC A. TROTZ, MAI, AI-GRS, GAA (CONTINUED)

COURT TESTIMONY

Shelby County Circuit Court
Shelby County Probate Court
Shelby County Criminal Court
Town of Collierville Municipal Court

Davidson County, TN Chancery Court United States Federal Court United States Bankruptcy Court

OFFICES HELD AND COMMITTEE ACTIVITY

Director - Memphis Area Association of REALTORS (2019-2020)

Secretary/Treasurer - Memphis Area Association of REALTORS (2020)

Chairman - Memphis Area Association of REALTORS Budget and Finance Committee (2020)

Director - Tennessee REALTORS (2019-2020)

Member - Real Property Valuation Committee, National Association of REALTORS (2020-2021)

President - Memphis Chapter of the Appraisal Institute (2012 and 2006)

Vice President - Memphis Chapter of the Appraisal Institute (2011 and 2005)

Secretary/Treasurer - Memphis Chapter of the Appraisal Institute (2004, 2003 and 2002)

Memphis Chapter of the Appraisal Institute - Education Director; Membership Admission, Development and Retention Chair; Membership Guidance Chair; Financial Committee Chair; Board of Director Member

Tennessee Chapter of the Appraisal Institute - Memphis Branch Chapter Advisory Board Director

Committee Member - Memphis Area Association of REALTORS – Professional Development, Grievance, Governing Documents, Intax; Nominating

OTHER

Leadership Development and Advisory Council LDAC - Washington, DC - Advisor to National Leadership of Appraisal Institute and lobbied to U. S. Congressional Staff on behalf of Appraisal Institute

Leadership MAAR (2020)

REALTOR Day on the Hill - Nashville, TN - Tennessee REALTORS

D.C. Day on the Hill - Washington, D.C. - National Association of REALTORS

Appraisal Institute, Region IX - Nominating Committee

Recipient of William S. King Scholarship (Memphis Chapter of the Appraisal Institute)

STATE LICENSES

Tennessee State Certified General Real Estate Appraiser - CG-1174

Tennessee Real Estate Commission, Real Estate Broker, License No. 00215814

State of Tennessee

TENNESSEE REAL ESTATE APPRAISER COMMISSION CERTIFIED GENERAL REAL ESTATE APPRAISER ERIC A TROTZ

This is to certify that all requirements of the State of Tennessee have been met.

ID NUMBER; 1174 LIC STATUS: ACTIVE

EXPIRATION DATE: August 03, 2023



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

Summary Notes for Sale of 2140 S Third Street

Requesting the acceptance of the property located at 2140 S Third St. ID#'s 050088 00012, 050088 00010C, and 050088 00013 totaling 9.022 Acres.

Seller/Donator: LFM, (A Belz Company)

Council District 4 (Jana Swearengen-Washington)

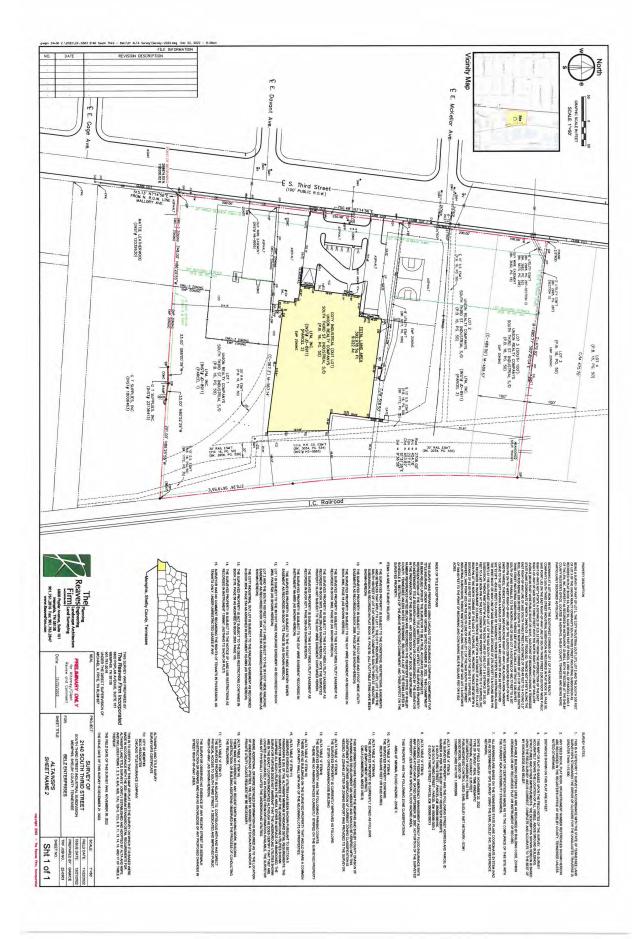
Super District 8 (Smiley, Johnson, Jones, Johnson)

The acceptance of this property will fill the void of the search for a facility to relocate Engineering Sign Shop and Engineering Signal Maintenance Departments. These two shops are currently operating out of 425 & 435 Manassas. These facilities are currently owned by Alsac/St Jude and are needing to relocate as soon as possible.

The donator is seeking the tax benefits from the transfer of the properties. The donator has done the due diligence and provided the necessary documentation, studies and appraisals for this transaction to take place. (See Attached)

Requesting Council to approve the acceptance of 2140 S Third Street.







STATE OF TENNESSEE

TENNESSEE DIVISION OF ENVIRONMENT AND CONSERVATION

Division of Remediation
William R. Snodgrass Tennessee Tower, 14th Floor
312 Rosa Parks Avenue
Nashville, TN 37243

December 1, 2014

Benne C. Hutson McGuireWoods LLP 201 N. Tryon Street Suite 3000 Charlotte, North Carolina 28202

RE: Completion of Brownfield Program Requirements for Former Checks, Inc. Site (2140 South Third Street), Memphis, Shelby County, Tennessee – Site Number: SRP #0423

Dear Mr. Hutson:

This letter confirms that pursuant to sub-section F.4. of the Brownfield Order & Administrative Settlement, which has an effective date of March 20, 2013 (the "Brownfield Order"), relating to the above-referenced site, Harland-Clarke Corp, f/k/a John H Harland Company, a California corporation ("Harland"), Rexam, Inc. f/k/a Rexham, Inc., a Delaware corporation ("Rexam"), and Rexam Holding Company, a Delaware corporation ("Rexam Holding"), collectively, as participants under the Brownfield Order, have fulfilled the requirements of the Brownfield Order and no further action is required regarding the contamination or threat of contamination identified and addressed by the Brownfield Order. The completed actions include the implementation of the Final Remediation Plan, as described in the Brownfield Order, and the other agreed actions set forth in the Brownfield Order.

Please note that the issuance of this letter does not relieve any existing or future owner(s) of the site from responsibilities for the continued adherence to and enforcement of the recorded land use restrictions.

Please contact Chris Lagan of my staff at (615) 532-0883 should you have any questions concerning this matter.

Sincerely,

Robert A. Binford

Director

Division of Remediation

Robert a Binfard

cc:

SRP Files



A Resolution accepting the donation of Real Property located at 2140 S Third Street, 9.02 Acres, Memphis, TN 38109

Whereas, LFM, Inc. is the owner of the property located at 2140 S Third Street, also known as parcel ID#'s 050088 00012, 050088 00010C, and 050088 00013 totaling 9.022 Acres and desires to donate the subject property to the City of Memphis for the use of the Engineering Division;

Whereas, the City of Memphis has done its due diligence regarding the status of the Property before accepting it;

Whereas, the City of Memphis' Engineering Division would use this property to house its Sign Shop, Signal Maintenance, Traffic Dept and various other service centers;

Whereas, it is in the best interest of the City to accept the donation of this property to further facilitate the operations of the City of Memphis Division of Engineering;

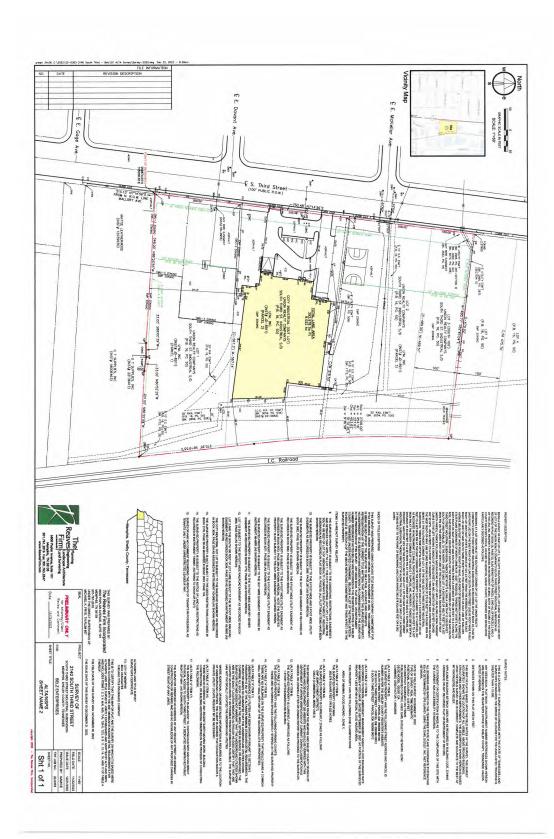
Whereas, City Engineering Sign Shop and Signal Maintenance Service Centers are scheduled to relocate from their current locations at 425-435 Manassas as part of the agreement with ALSAC/St Jude approved by City Council Resolution dated April 10, 2018.

Whereas, it is deemed to be in the best interest of the City of Memphis to receive the property to meet the growing needs of the community it serves.

Now, Therefore, Be It Resolved that the Council of the City of Memphis hereby approves the request to receive real property for City Engineering Division; and

Be It Further Resolved, the City of Memphis Real Estate Department or designee shall prepare and arrange for the execution of the deed of transfer, and any other documents incidental to the completion of the purchase, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale.

Exhibit A



 \equiv President Joe Biden \equiv

BUILDING A BETTER AMERICA

 \equiv BUILD.GOV \Longrightarrow

BIPARTISAN INFRASTRUCTURE LAW: FUNDING OPPORTUNITIES YOU CAN APPLY FOR TODAY

Updated as of: December 14, 2022

In the year since President Biden signed the Bipartisan Infrastructure Law, his Administration has hit the ground running to deliver investments that change people's lives for the better and get America moving again. Already, over \$185 billion has been announced and is headed to states, Tribes, territories, and local governments. In addition, there is billions more in funding available today through competitive programs. The Biden-Harris Administration is committed to making these opportunities accessible and transparent, so communities across America know what to apply for, who to contact, and how to get ready to rebuild. This document highlights funding opportunities that communities can apply for today. The list includes information on the program, the deadline for applying, and a link to the application. For more information on the full set of programs in the Bipartisan Infrastructure Law, including upcoming milestones, visit build.gov.

Program	Agency	Description	Deadline	Link to Application / Information
TRANSPORTATIO	N			
Culvert Removal, Replacement, and Restoration Program	Department of Transportation (Federal Highway Administration)	Funding for projects to improve or restore anadromous fish passage through the replacement, removal, repair, or improvement of culverts or weirs.	2/6/2023	Link to NOFO
Rail Vehicle Replacement	Department of Transportation (Federal Highway Administration)	Funding for capital projects to replace rail rolling stock.	1/5/2023	Link to NOFO
RAISE (Rebuilding American Infrastructure with Sustainability and Equity)	Department of Transportation (Office of the Secretary of Transportation)	Funding for surface transportation projects that will improve safety, environmental sustainability, quality of life, mobility and community connectivity, and economic competitiveness.	2/28/2023	Link to NOFO
Fed-State Partnership National Program	Department of Transportation (Federal Rail Administration)	Funding to expand and modernize intercity passenger rail outside of the northeast corridor. The Notice of Funding Opportunity for the Fed-State Partnership Program for the Northeast Corridor will be published in the coming months.	3/7/2023	Link to NOFO
POWER & CLEAN	ENERGY			
Long-Duration Energy Storage (LDES) Demonstrations	Department of Energy	Funding for demonstration projects capable of delivering electricity for 10-24 hours or longer to support a low-cost, reliable, carbon-free electric grid.	12/15/2022: Letter of Intent Due 3/3/2023: Full Application Deadline	Link to application form
Grid Resilience and Innovation Partnership	Department of Energy	Funding for to improve grid resilience and enhance the power grid's ability to deliver cheaper and cleaner energy. Combined Funding Opportunity with three programs:	12/16 for Smart Grid & Industry and Utility Grants	Link to Funding Opportunity Announcement

		1. Smart Grid	1/13 for Grid	
		2. Utility and Industry	Innovation	
		Resilience Grants	Program	
		3. Grid Innovation Program		
Transmission	Department of	Funding to help build out new	2/1/2023	Request for
Facilitation	Energy	interregional and large-scale		<u>Proposal</u>
Program		new transmission lines across		
	5 , , ,	the country.	0/04/0000	
Preventing	Department of	Funding to States and Indian	3/31/2023	Link to
Outages and Enhancing the	Energy	Tribes to improve the resilience of the electric grid against		application form.
Resilience of the		disruptive events.		ioiii.
Electric Grid -		disruptive events.		
Formula				
Regional Clean	Department of	Funding for projects that	4/7/2023: Full	Link to
Hydrogen Hubs	Energy	demonstrate the production,	Application	<u>Funding</u>
		processing, delivery, storage,	Deadline	Opportunity
		and end-use of, clean hydrogen	(concept	Announcement
		through regional clean	paper was	
Energy	Department of	hydrogen hubs. Funding for state and territories	due 11/7/22) 4/21/2023	Link to
Efficiency	Energy	to establish revolving loan funds	4/21/2023	Application
Revolving Loan	Lifergy	to invest in energy efficiency		Instructions
Fund		upgrades.		motractions
Capitalization				
Grant Program				
Energy	Department of	Funding for projects that reduce	1/26/2023:	Link to
Efficiency in	Energy	the energy costs such as	Concept	Application
Public Schools		technology, infrastructure, and	Paper	<u>Instructions</u>
Program		similar items.	Deadline	
			4/21/2023:	
			Full	
			Application	
			Due	
Wind Tech	Department of	Funding for projects to lower	1/20/2023:	Link to
Program	Energy	costs and address barriers to	Concept	Application
		deployment of wind energy in all	Paper	<u>Instructions</u>
		its applications—offshore, land- based, and distributed.	Deadline	
		paseu, anu uisinbuleu.	3/10/2023:	
			Full	
			Application	
			Due	

RESILIENCE AND LEGACY POLLUTION									
Abandoned Mine Lands	Department of the Interior	Funding to states and Navajo Nation to reclaim hazardous abandoned mine lands caused by past coal mining while creating good-paying jobs and revitalizing coal communities.	03/31/2023: Application due.	Link to NOFO					
National Fish Passage Program	Department of Interior (Fish and Wildlife Service)	Funding for projects that will support sustainable fish passage and improve climate resilience.	12/16/2022: Letter of Intent Deadline 12/31/2023: Full Application Deadline	Link to NOFO					
Temporary Bridge Funding	Department of Agriculture (Forest Service)	Funding to support the establishment of temporary bridge rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize stream bed disturbance on non-Federal land and Federal land.	12/20/2022	Link to NOFO					
Wood Products Infrastructure Assistance Program	Department of Agriculture (Forest Service)	Funding to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects from federal or Indian lands in areas at risk of unnaturally severe wildfire or insect and disease infestation.	12/20/2023	Link to NOFO					
Wildfire Management - Joint Fire Science Program	Department of the Interior & the Department of Agriculture	Program to increase research and innovation within the field of wildland fire and related physical, biological, and social sciences.	12/20/2023	Link to NOFO					
Solid Waste Infrastructure for Recycling (SWIFR) Grant	Environmental Protection Agency	Funding for projects that will create new capacity for, optimize existing capacity of, or identify strategies that result in an increase in management of post-consumer materials.	1/16/2023	Link to NOFO					

Consumer Recycling Education and Outreach (REO) Grant Program	Environmental Protection Agency	Funding for projects that inform the public around community recycling and composting programs to increase the collection rates across the country.	1/16/2023	Link to NOFO
Brownfields Workforce Training, Research, & Technical Assistance Grant	Environmental Protection Agency	Funding to eligible entities to provide training, research, and technical assistance to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.	2/14/2023	Link to NOFO
Technical Assistance for Brownfields	Environmental Protection Agency	Funding for technical assistance to communities to help cleanup and reuse brownfields sites	2/14/2023	Link to NOFO
WATER				
Drinking Water and Clean Water State Revolving Funds	Environmental Protection Agency	Funding to public water systems to address drinking water needs, promote clean water, and replace lead pipes	Rolling Basis: States develop Intended Use Plan & request local project proposals	Link to Additional Information
BROADBAND				
Affordable Connectivity Outreach Grant Program	Federal Communicatio ns Commission	Funding to increase awareness of and participation in the ACP among eligible households	1/9/2023	Link to NOFO

PRESIDENT JOE BIDEN

BUILDING A BETTER AMERICA

BUILD.GOV

FACT SHEET:

Competitive Infrastructure Funding Opportunities for Local Governments

The Bipartisan Infrastructure Law includes billions of dollars in competitive funding available to cities, towns, and municipalities across dozens of new and existing programs. As local governments begin to rebuild and reinvest in their communities, the Biden-Harris Administration stands ready to support local leaders as they combine funding streams, organize around their priorities, and build local support for long overdue infrastructure projects.

At the U.S. Conference of Mayors Winter Meeting, White House Infrastructure Implementation Coordinator and former New Orleans Mayor Mitch Landrieu will highlight 25 already available or soon-to-be-available sources of funding that local governments – particularly cities – can compete or apply for directly. Listed below is the latest available information on these key programs, including links to agency websites, application timing, and descriptions. Highlighted programs were selected based on their size and cross-cutting objectives. Using these available sources of funds, cities can begin to plan to build in-line with President Biden's economic, equity, climate and resilience, Made in America, and labor goals. The White House will also be releasing a comprehensive guidebook of all available funding from the Bipartisan Infrastructure Law in the coming weeks.

The federal government cannot build a better America alone — it needs state and local leadership to act as coordinators and help prepare communities to benefit from transformative infrastructure funding. Outlined below is a short overview of how cities and towns can begin to prepare, as well as contact information for relevant federal agencies. The support of mayors is essential to fulfilling the Biden-Harris **Administration's goal of** equitably rebuilding America on time, on task, and on budget. Building back better is going to be a multi-year effort, and we need the help of all local leaders to start building the foundation for years to come.

25 Competitive Infrastructure Funding Opportunities for Local Governments¹

Transportation

- 1. Rebuilding American Infrastructure Sustainably and Equitably (RAISE) Grants— This existing competitive grant program at the Department of Transportation provides \$7.5 billion with an additional \$7.5 billion subject to Congressional approval in funding for road, rail, transit, and other surface transportation of local and/or regional significance. Selection criteria safety, sustainability, equity, economic competitiveness, mobility, and community connectivity. Applications will open in the first quarter of 2022.
- 2. Port Infrastructure Development Program Grants This existing \$2 billion Department of Transportation program funds investment in the modernization and expansion of U.S. ports to remove supply chain bottlenecks, ensure long-term competitiveness, resilience, and sustainability while reducing impacts to the environment and neighboring communities. The infrastructure law expanded the program's eligibilities to include projects that improve goods movement, as well as port electrification projects, idling reduction solutions, equipment charging infrastructure and related worker training initiatives. The Department of Transportation expects to open applications in February 2022.
- 3. Bus & Bus Facilities Competitive Grants This existing \$2 billion program at the Department of Transportation provides capital funding to replace, rehabilitate, purchase, or lease buses and bus related equipment and to rehabilitate, purchase, construct, or lease bus-related facilities as well as capital funding for low or no emissions bus projects. Fiscal Year 2021 grant selections will be announced soon. Applications are expected to open for the Fiscal Year 2022 grant program in the first quarter of 2022.
- 4. National Infrastructure Project Assistance (also known as "Megaprojects" or MEGA)— This \$5 billion competitive grant program supports multi-modal, multi-jurisdictional projects of regional or national significance. Communities are eligible to apply for funding to complete critical large projects that would otherwise be unachievable without assistance. Selection criteria for the program will be posted on the Department of Transportation website in February 2022.
- 5. <u>Infrastructure for Rebuilding America (INFRA) Grants</u> This Department of Transportation program supports highway and rail projects of regional and economic significance. Applications will open in the first quarter of 2022. Learn more about how to apply here.

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¹ Funding amounts includes programs' contract authority, advanced appropriations and mandatory appropriations. Funding subject to appropriations not included.

- 6. Safe Streets and Roads for AII This new \$5 billion competitive grant program at the Department of Transportation will provide funding directly to and exclusively for local governments to support their efforts to advance "vision zero" plans and other complete street improvements to reduce crashes and fatalities, especially for cyclists and pedestrians. Applications are expected to open in May 2022.
- 7. Charging and Fueling Infrastructure Grants In addition to the \$5 billion formula program distributed to states, this \$2.5 billion discretionary grant program at the Department of Transportation will fund the strategic deployment of publicly accessible electric vehicle charging infrastructure, as well as hydrogen, propane, and natural gas fueling infrastructure, along designated alternative fuel corridors and in communities. The Department is seeking comments on program design by January 28th here, and after January 28th here.
- 8. Clean School Bus Program This new \$5 billion competitive grant program at the Environmental Protection Agency (EPA) will provide funding to replace existing school buses with low- or zero-emission school buses. Applications for funding will be made available here later this spring.
- 9. Reconnecting Communities The Bipartisan Infrastructure Law creates a first-ever \$1 billion program at the Department of Transportation to reconnect communities divided by transportation infrastructure particularly historically disadvantaged communities too often nearly destroyed or cut in half by a highway. This new competitive program will provide dedicated funding to state, local, metropolitan planning organizations, and tribal governments for planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure to address these legacy impacts. Applications will open in the second quarter of 2022.
- 10. Rural Surface Transportation Grant This new \$2 billion competitive grant program at the Department of Transportation will improve and expand surface transportation infrastructure in rural areas, increasing connectivity, improving safety and reliability of the movement of people and freight, and generate regional economic growth. This amount includes specific set asides for small projects (\$200 million), rural roadway lane departure improvements (\$300 million), and the Appalachian Development Highway System (\$500 million). Applications will open in the first quarter of 2022.

Climate, Energy & Environment

1. <u>Building Resilient Infrastructure and Communities Program</u> – This existing Federal Emergency Management Agency (FEMA) program will distribute \$1 billion to support communities undertaking hazard mitigation projects to reduce the risks they face from disasters and other natural hazards. FY21 applications are open until January 28th, 2022 and hundreds of millions of dollars in funding remains available. Communities will apply as sub-applicants

- under their states. Applications for FY22 are expected to open no later than September 30th, 2022.
- 2. <u>Flood Mitigation Assistance</u> \$3.5 billion from this existing FEMA program can be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the <u>National Flood Insurance Program</u>. FY21 applications are open until January 28th, 2022. Communities will apply as subapplicants under their states. Applications for FY22 are expected to open no later than September 30th, 2022.
- 3. <u>Brownfields Remediation Program</u> This existing EPA program will provide \$1.2 billion in grants and technical assistants to communities to assess and safely clean-up contaminated properties and offer job training programs. Communities are currently able to request funding for Targeted Brownfields Assessments through their regional EPA office. Additional competitive funding opportunities will be announced this spring.
- 4. <u>Energy Efficiency and Conservation Block Grants</u> This Department of Energy block grant program will provide \$550 million to states, local governments, and tribes for projects that reduce energy use, increase energy efficiency, and cut pollution. The first funding opportunity is expected for release in the Fall of 2022.
- 5. Grants for Energy Efficiency and Renewable Energy Improvements in Schools This new Department of Energy Program will provide \$500 million for local government education agencies and nonprofit partners to make energy efficiency, renewable energy, and clean vehicle upgrades and improvements at public schools. The opportunity to apply for funding is expected to be open in the Fall of 2022.
- 6. Energy Improvement in Rural or Remote Areas This new Department of Energy program will provide \$1 billion to entities in rural or remote areas (defined as cities, towns, or unincorporated areas with fewer than 10,000 inhabitants) to increase environmental protection from the impacts of energy use and improve resilience, reliability, safety, and availability of energy. Applications for funding are expected to be open in the Fall of 2022.
- 7. Grants for Energy Efficiency and Resilience Code Adoption This Department of Energy program will provide \$225 million to state energy agencies, in partnership with local building code agencies, codes and standards developers, utilities, and other entities, to enable sustained, cost-effective implementation of updated building energy codes to save customers money on their energy bills. Applications for funding are expected to be open by the end of 2022.

- 8. Regional Clean Hydrogen Hubs This new Department of Energy program will provide \$8 billion to support the development of at least four regional clean hydrogen hubs to improve clean hydrogen production, processing, delivery, storage, and end use. Applications for funding will open in the Summer of 2022.
- 9. Community Wildfire Defense Grant Program This new \$1 billion program at the Department of Agriculture will provide grants to communities at risk from wildfire to develop or revise their community wildfire protection plans and carry out projects described within those plans. It will include a mix of formula and competitive funds. Applications are expected to open early in 2023.

Broadband, Cyber, and Other Programs

- 1. <u>ReConnect Program</u> This existing Department of Agriculture program will provide almost \$2 billion in loans and grants for projects that provide broadband in rural areas. Applications will likely open in the 3rd quarter of 2022 (and towns in rural areas can apply to the current \$1.15B in loans and grant funding, application deadline: February 22, 2022).
- 2. Middle Mile Grants Program This new \$1 billion program at the Department of Commerce provides grants for the construction, improvement or acquisition of middle mile broadband infrastructure. Applications will likely open during the second quarter of 2022.
- 3. State and Local Cybersecurity Grant Program This new \$1 billion program at the Department of Homeland Security makes available federal funds to state, local, and tribal governments to address cybersecurity risks and cybersecurity threats to information systems that they own or operate. Applications will likely open during the third quarter of 2022.
- 4. Smart Grid Investment Grant Program and Energy Sector Operational Support For Cyber Resilience Program These two Department of Energy programs will provide \$3 billion and \$50 million, respectively, for electric utilities, including municipal and co-operative utilities, to modernize the electricity grid and increase resilience to cybersecurity threats. Applications for the Smart Grid program are expected to be open by the end of 2022, and applications for the Cyber Resilience program are expected to be open in the Summer of 2022.
- 5. Water & Groundwater Storage and Conveyance This existing \$1 billion program at the Department of Interior provides funding for water storage projects with capacity between 2,000 and 30,000 acre-feet as well as projects

convey water to or from surface water or groundwater storage. The Department will hold its final stakeholder sessions this month and open applications later this spring.

6. <u>Emergency Watershed Protection Program</u> – This existing Department of Agriculture program will provide \$300 million in technical and financial assistance to project sponsors for the design and construction of measures to help repair damages from a recent disaster. Applications open in February.

Other Opportunities

The law further significantly increased the amount of non-competitive formula funding that will flow first to states and then on to cities and local governments. Examples include funding available through Surface Transportation Block Grant sub-allocations for local governments, which now include significantly expanded the flexibilities for cities to determine how these funds can be used, as well as increases for states' Clean Water and Drinking Water State Revolving Funds. We encourage cities to reach out to the state or regional offices for various federal agencies, as well as state governments' infrastructure coordinators, to better understand forthcoming increases in formula funding.

Getting Ready to Apply for and Receive Federal Infrastructure Funds

Building a better America is a shared endeavor no one can do alone, and investing federal infrastructure dollars will require significant coordination between cities, states, Tribal governments, community stakeholders, and other key partners.

Earlier this month, the White House Infrastructure Implementation Coordinator <u>sent a letter to Governors</u> recommending a series of preparatory actions, including appointing infrastructure coordinators to manage the flow of funds to their states. Cities can also begin to coordinate across their departments and with metropolitan planning organizations (MPO) to:

- 1. **Prioritize your community's capital needs and develop a project pipeline** taking time to think about the projects previously considered impossible due to lack of funding or regional coordination. This is a once-in-a-generation funding opportunity that will require bold, inclusive thinking.
- 2. Use the forthcoming Bipartisan Infrastructure Law Guidebook to identify federal funding streams to target.
- 3. Ensure all transit, railway, road, highway, and bridge projects are a part of your MPO's Transportation Improvement Plan.
- 4. Begin mapping sites for electric vehicle and alternative fuel charging stations.
- 5. Inventory and map the lead pipes in your city. Read through the Biden-Harris Lead Pipe and Paint Action Plan here for additional federal resources for this effort.
- 6. Work with your state's broadband agency to ensure your city or region's needs are appropriately mapped and inventoried.

7. Establish relationships with the regional offices for key federal agencies, who can help direct you to resources and provide technical assistance.

The American Rescue Plan also provided over \$350 billion in critical resources to every state, county, city, and unit of local government to support their response to the COVID-19 public health emergency, including in making the investments needed to ensure a durable and equitable economic recovery. Cities should look to leverage those resources to help prepare for the transformative investments included in the Bipartisan Infrastructure Law including training the workers needed to build high quality infrastructure; hiring back the public sector workers needed to help manage potential federal investments; and getting a jump start on water, sewer, and broadband projects that could complement investments from the infrastructure law.

We recognize local capacity may be strained due to the pandemic, historic underinvestment, or just the challenges of day-to-day **governance**. A city's lack of capacity to apply for federal funds can create significant inequities — and for many communities, this will be their first time applying for funds from a suite of federal agencies. While many funding streams in the Bipartisan Infrastructure Law specifically set aside funds for disadvantaged communities, the White House Infrastructure Implementation Team will be engaging states, Tribal governments, territories, federal agencies, philanthropies, and others to leverage all available resources to quickly deliver the necessary technical assistance and capacity to underserved communities.

Agency Contact Information

Environmental Protection Agency: <u>State&Local@epa.gov</u>

Department of Transportation: intergov@dot.gov

Department of Interior: OIEA@ios.doi.gov

Department of Commerce: <u>CommercelGA@doc.gov</u> Department of Energy: <u>DL-RegionalSpecialists@hq.doe.gov</u>

Department of Agriculture: EIA@usda.gov

Department of Homeland Security: dhs.iqa@hq.dhs.qov

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PARKS COMMITTEE

EXECUTIVE COMMITTEE

RESOLUTION TO REALLOCATE AND APPROPRIATE \$1.5 MILLION FROM ARPA FUNDS TO MEMPHIS FIRE DIVISION TO PROVIDE ADDITIONAL SUPPORT FOR THE C.A.R.E. PROGRAM

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which established the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Funds (together, the Fiscal Recovery Funds). The Coronavirus Local Fiscal Recovery Funds was established to provide support to local governments ("recipients") to respond to the impacts of COVID-19 on communities, residents, and businesses; and

WHEREAS, section 602(c)(1) and 603(c)(2) provides that funds may be used to:

- A. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- C. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;
- D. To make necessary investment in water, sewer, or broadband infrastructure; and

WHEREAS, the Memphis City Council recognizes that the issue surrounding the amount of resources to address mental health, and First Responders' ability to provide support to those they encounter who are affected by mental illness, is a public health issue that directly or indirectly impacts everyone in the City of Memphis; and

WHEREAS, in 2021, the Memphis Police Department (MPD) responded to 21,340 mental health crisis calls; of those calls, 18,003 of the calls were non-violent mental health consumers in crisis, and 3,337 calls were violent mental health consumers in crisis; and

WHEREAS, during MPD's efforts to increase the amount of police officers to serve the City of Memphis, it is vital that resources are available to support an alternative program that is equipped respond to those calls that are deemed non-violent mental health consumers in crisis; and

WHEREAS, the Council seeks to provide the support necessary to support the Memphis Fire Division's C.A.R.E. (Crisis Assessment and Response to Emergencies) Program, which is a three-person mental health response team, made up of a MFD firefighter and/or paramedic, a master's level crisis assessor from Alliance Healthcare Services, and a CIT police officer; together, this team is equipped with the necessary knowledge and tools to act as a resource for those individuals diagnosed with or displaying symptoms of mental illness who require assistance in that regard; and

WHEREAS, it is the intent of the Council to address the issues relative to mental health crisis calls and public safety by ensuring that there are adequate resources available to the C.A.R.E. program to support the people of Memphis, and that police officers are able to maximize their effort to keep the City of Memphis safe; and

WHEREAS, the Memphis City Council requests the Memphis Fire Division to use this funding to expand the program and increase its impact regarding crises that arise due to mental health, substance abuse, or homelessness that do not require law enforcement response.

NOW, THEREFORE, BE IT RESOLVED that the FY22 ARPA allocations be amended to reallocate \$1,500,000 of ARPA funds from the Premium Pay line item; and to amend the FY23 CIP Budget to allocate and appropriate \$1.5 million to the Memphis Fire Division's budget for the C.A.R.E. program, effective with the approval of this resolution.

Sponsor(s): Chase Carlisle Michalyn Easter-Thomas J. Ford Canale